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17	PICO NEIGHBORHOOD ASSOCIATION and MARIA LOYA,	Case No.: BC616804
_	D1 ·cc	declaration of Kevin Shenkman
18	Plaintiffs,) IN SUPPORT OF PLAINTIFFS'
18 19	v.	OPPOSITION TO MOTION TO TAX
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18 19	v. CITY OF SANTA MONICA, and	OPPOSITION TO MOTION TO TAX COSTS Date: June 25, 2019 Time: 9:30 a.m.
18 19 20 21	v. CITY OF SANTA MONICA, and DOES 1 through 100, inclusive,	OPPOSITION TO MOTION TO TAX COSTS Date: June 25, 2019
18 19 20 21 22	v. CITY OF SANTA MONICA, and DOES 1 through 100, inclusive,	OPPOSITION TO MOTION TO TAX COSTS Date: June 25, 2019 Time: 9:30 a.m.
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18 19 20 21 22 23 24 25 26	v. CITY OF SANTA MONICA, and DOES 1 through 100, inclusive,	OPPOSITION TO MOTION TO TAX COSTS Date: June 25, 2019 Time: 9:30 a.m.

SHENKMAN DECLARATION

I, Kevin I. Shenkman, declare as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of California and I am a principal of Shenkman & Hughes PC, attorneys of record for Plaintiffs in the above-captioned case. The facts set forth in this declaration are within my personal knowledge and, if called as a witness, I could and would competently testify as follows:

The Litigation, Trial and Judgment

- 2. I have been primarily responsible for the handling of the above-captioned case since its inception, and I have been involved in all aspects of this case. My partner, Mary R. Hughes, has also worked on this matter, as have John L. Jones II and Andrea Alarcon, as well as attorneys and professionals with the Parris Law Firm, Law Offices of Milton C. Grimes and Law Office of Robert Rubin.
- 3. Even before filing suit, we worked with two renowned experts, David Ely and J. Morgan Kousser, to study Santa Monica's elections to determine whether those elections were characterized by racially polarized voting the key element in a CVRA case. At the same time, we engaged with civic leaders in Santa Monica and immersed ourselves in Santa Monica's politics, city council actions, and historical discrimination to develop a better sense of the unique circumstances in Santa Monica concerning race and elections. Particularly because of Santa Monica's unique reputation and demographics, we also worked with those same experts to evaluate the likely effectiveness of any remedial changes to Santa Monica's election system. And, we also investigated the unique history and controversy surrounding Santa Monica's adoption and maintenance (at various times) of its at-large election system, to evaluate whether an Equal Protection claim might also be justified.
- 4. Satisfied that our preliminary investigation justified further action, on December 15, 2015 we wrote to Defendant, notifying Defendant that its at-large elections were unlawful and requesting that Defendant contact us to discuss changing its at-large system of electing its city council. A true and correct copy of my December 15, 2015

correspondence to Defendant is attached hereto as **Exhibit A**. There is no question that Defendant's city council took notice of our December 15, 2015 letter – not only did I speak personally with the then-city attorney, Marsha Moutrie, when I personally delivered the letter along with several Pico Neighborhood activists (Ms. Moutrie actually communicated her personal support for our efforts), but the letter was also the subject of a closed session meeting of Defendant's city council in January 2016.

- 5. While many political subdivisions, since our victory in *Jauregui v. City of Palmdale*, had chosen to adopt district elections upon receiving notice that their at-large elections violate the CVRA, Defendant did not. In fact, Defendant did not even grant us the courtesy of a response to our December 15, 2015 letter. We waited for four months well past the requested response date in the December 15, 2015 letter but with no response from Defendant or its attorneys, we were forced to file the Complaint in the above-captioned case on April 12, 2016.
- 6. From the moment this case was filed, it has been contentious, time consuming and expensive. Soon after the filing of this case, Defendant retained the very large and very expensive law firm Gibson Dunn & Crutcher LLP. Throughout this case, Defendant and its council members have touted its vast financial resources, as well as those of its outside law firm, that it would use to fight this case. For example, in a July 12, 2018 opinion-editorial in the Los Angeles Times, a true and correct copy of which is attached as **Exhibit B**, Santa Monica's mayor and mayor pro-tem, touted Santa Monica's financial resources and that those resources enabled it to vigorously litigate (and appeal) the instant case.
- 7. The litigation that followed over the next three years has been extensive and contentious. That litigation, culminating in a judgment finding that Defendant's at-large election system not only violates the CVRA but also was adopted and maintained for a discriminatory purpose, and thus violates the Equal Protection Clause, included, among other things:
 - An expert-intensive six-week trial;
 - Three writ petitions;

- A petition for review to the California Supreme Court;
- A summary judgment motion;
- Two pleading challenges;
- Twenty-four (24) depositions of fact witnesses;
- Eight (8) depositions of expert witnesses;
- More than three dozen motions; and
- A series of post-trial hearings regarding available remedies
- 8. Throughout the three-year litigation, Plaintiffs attempted to convince Defendant that an amicable resolution through settlement would be superior, for all parties concerned, to a disputed resolution by the court. In fact, Plaintiffs even convinced renowned mediator, Jeffrey Krivis, to mediate the case for free. Though Defendant agreed to participate in that free mediation, and then asked for a second day of free mediation (which was held a few weeks after the first day of mediation), Defendant obstinately insisted at every stage that it would never agree to any structural changes to its discriminatory at-large election system. Rather, Defendant's city attorney bluntly explained Defendant's rationale for refusing any change to its election system, remarking that she "just do[es]n't see any merit in this case." Even during the six-week trial, Defendant's counsel inquired several times whether Plaintiffs were ready to dismiss their case, and eschewed my invitations to discuss settlement.
- 9. Ultimately, this Court found in favor of Plaintiffs on both of their claims for violation of the CVRA and the Equal Protection Clause of the California Constitution marking the first time an at-large election system in California has been found to be intentionally discriminatory. Judgment was entered on February 13, 2019. A true and correct copy of that Judgment is attached hereto as **Exhibit C**. Along with the Judgment, the clerk also mailed a copy of the Statement of Decision, a Minute Order and a Certificate of Mailing. Attached hereto as **Exhibit D** is a true and correct copy of that Statement of Decision. Attached hereto as **Exhibit E** is a true and correct copy of that Minute Order. Attached hereto as **Exhibit F** is a true and correct copy of that Certificate of Mailing. Because the Minute Order (Exhibit E) directed that "Counsel for plaintiff shall give notice to

all others not listed," any several attorneys were not listed on the Certificate of Mailing (Exhibit F), I directed the staff at the Parris Law Firm to serve those other attorneys with the Minute Order, Judgment and Statement of Decision.

The Memorandum of Costs

- 10. Understanding that the clerk's mailing of those documents on February 13, 2019 did not trigger post-judgment deadlines, on March 28, 2019 Plaintiffs served a Notice of Entry of Judgment, a true and correct copy of which is attached hereto as **Exhibit G**. On March 29, 2019, Plaintiffs filed and served their verified Memorandum of Costs and Costs Worksheet, a true and correct copy of which, collectively, is attached hereto as **Exhibit H**. With respect to attorneys' fees, counsel for the parties agreed that Plaintiffs would have until June 3, 2019 to file a motion seeking such an award. On June 3, 2019 Plaintiffs filed their motion for attorneys' fees and expenses.
- 11. I did not understand the clerk's mailing of the Judgment, Statement of Decision, Minute Order and Certificate of Mailing to trigger the deadline for filing a memorandum of costs. Rather, I was familiar with the California Supreme Court's decision in *Van Beurden Ins. Servs. Inc. v. Customized Worldwide Weather Ins. Agency Inc.* (1997) 15 Cal.4th 51, and understood that for a clerk to trigger the deadline for filing a memorandum of costs, the clerk's notice must expressly state that it is given "upon order by the court" or "under section 664.5." I still believe that is a correct view of the law, and therefore the clerk's actions on February 13, 2019 in this case did not trigger the deadline for filing a memorandum of costs. I was exceptionally busy working on other cases and matters, and so, with that understanding, I did not direct that a notice of entry of judgment be served until late March 2019. To the extent that my understanding is/was incorrect, my mistake was certainly reasonable and, thus, excusable.
- 12. The present circumstances are far different from those that prompted this Court to deny Defendant's motion under Code of Civil Procedure section 473 regarding its improper / late service of its summary judgment motion, and to limit the scope of testimony

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Expenses

Expert Fees

To prevail in this extraordinary case, we assembled a team of renowned 13. experts, whose opinions have been relied upon in some of the most notable voting rights cases – Morgan Kousser, Justin Levitt, David Ely and Jonathan Brown. Attached hereto, collectively, as **Exhibit K** are true and correct copies of their respective curriculum vitae.

offered by Defendant's supplemental expert witness, Alan Lichtman. As demonstrated by the

Court's ruling, a true and correct copy of which is attached as **Exhibit I**, Defendant's 473

motion was denied because Defendant's counsel never acknowledged that they possibly

brief as a strategy decision. As demonstrated by the Court's ruling regarding the scope of Dr.

Lichtman was permitted to testify (over Plaintiffs' objections) as a supplemental expert

despite the fact that there was no justification for Defendant's failure to include Dr. Lichtman

on its original expert designation; he just wasn't allowed to testify on the subjects already

addressed by Defendant's other experts who were properly designated to address those

perfectly consistent with section 2034.280 of the Code of Civil Procedure, governing the

scope of testimony for any supplemental expert. As explained fully in the briefing on those

matters, a contrary ruling in either instance would have greatly prejudiced Plaintiffs.

Each of those experts was important to Plaintiffs' success in this case. At trial, Dr. Kousser, Plaintiffs' expert on racially polarized voting and intentional discrimination, testified for 8 days (4 ½ days being cross-examined by Defendant's counsel); Justin Levitt, Plaintiffs' expert on available remedies and the relative severity of racially polarized voting testified for 2 ½ days; David Ely, Plaintiffs' expert on demographics and districting, testified for 1 ½ days; and Jonathan Brown, Plaintiffs' expert on surveys, testified for ½ day. Ultimately, the Court largely adopted the opinions of each of these four experts, as demonstrated by the Statement of Decision (Exhibit D).

- 15. Each of those experts provided us with invoices for their work on this case generally showing the tasks they performed, the amount of time spent on each task on each day, and their respective billing rates (which were also disclosed in the expert witness exchange). True and correct copies of those invoices are collectively attached as **Exhibit L**. We have paid those invoices.
- 16. I understand that Defendant criticizes us for having Dr. Kousser present at the deposition of Alan Lichtman. However, Dr. Kousser's assistance and guidance at that deposition was critical. Dr. Lichtman was not disclosed in Defendant's original expert designation; he was only disclosed later as a supplemental expert, so our time to prepare for his deposition was limited. Making matters worse, though Dr. Lichtman had prepared a report in every one of the dozens of other cases in which he had testified as an expert, he did not prepare a report in this case from which we could have gained some understanding of his opinions prior to the deposition. Ultimately, portions of Dr. Lichtman's constantly evolving opinions were excluded for these very reasons. Dr. Kousser's assistance at Dr. Lichtman's deposition was invaluable guiding our questioning during breaks and suggesting questions by passing us notes during the deposition. At trial, Dr. Lichtman attended most, if not all, of Dr. Kousser's 8 days on the stand, taking notes and advising Defendant's counsel presumably for the same reasons we decided Dr. Kousser should be present at Dr. Lichtman's deposition.

Trial Exhibits

17. For the trial in this case, our co-counsel at the Parris Law Firm arranged for the preparation of trial exhibit binders, as directed by the Court. I understand the invoice(s) for the preparation of those exhibit binders are attached to the declaration of R. Rex Parris, being filed concurrently with this declaration.

18. Prior to the trial, I was involved in the determination of which documents to include in our exhibit list, and thus the exhibit binders. Of course, at that time we did not know with certainty which documents we would need for the trial. Nor, apparently, did Defendant's counsel know which documents they would need, as demonstrated by the fact that only 84 of the 637 exhibits listed in its exhibit list were admitted into evidence at trial.

Travel, Mileage and Parking

- 19. In the course of this three-year litigation, my colleagues and I were required to travel to a variety of case-related events for example, trial, depositions, discovery referee hearings, court hearings, mediation and witness meetings. Our office is in Malibu, the Parris Law Firm's office is in Lancater, the office of Robert Rubin is in San Francisco and the office of Milton Grimes is in South Los Angeles. Attached hereto as **Exhibit M** is a true and correct copy of the travel records related to this case from our firm accounting system. Those records indicate the date, attorney, mileage expense, parking expense, and (usually) the purpose of the travel. Shenkman & Hughes PC bills its hourly paying clients separately for these sorts of travel expenses. I understand that my co-counsel provides similar information from their respective firms in their declarations submitted concurrently with this declaration.
- 20. I understand that Defendant criticizes us for including in our Memorandum of Costs the travel expenses of an attorney, Mary Ruth Hughes, who did not appear at the trial or at depositions in this case. However, Ms. Hughes filled an important role in this case, including brief-writing, investigation, meeting with witnesses, preparing trial presentation, document review, etc. Indeed, while Defendant criticizes our litigation strategy and delegation of work (which resulted in our unqualified success in this case), Defendant also had several attorneys who did not say a word at trial or any deposition (e.g. Theodore Boutrous, William Thomson, Marissa Moshell and Miguel Loza).
- 21. I also understand that Defendant criticizes us for taking most of our depositions at the Parris Law Firm's office in Lancaster exactly what section 2025.250 of the Code of Civil Procedure allows. That office is where we have the most resources for those

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for particular witnesses (two elderly ladies), Defendant's counsel refused. Attached hereto as Exhibit N is a true and correct copy of the email exchange between counsel concerning the locations of the depositions of Berenice Onofre and Maria Leon-Vazquez. Meals

depositions – research materials, staff support, document services, etc. Indeed, when I

proposed that we agree to hold depositions at locations more accommodating and convenient

- 22. In the course of this case, it was necessary for us to purchase several meals, not only for ourselves but also for witnesses and experts. For example, during trial we often needed to eat at a restaurant that could accommodate our large group in a room that would give us the space and privacy to prepare with our witnesses and experts for the afternoon session of trial. Moreover, meal invitations were often necessary to get witnesses to talk with us in spite of Defendant's political pressure. Because of the nature of this case, most relevant percipient witnesses are involved in politics in Santa Monica, and they justifiably fear political retaliation from Defendant and its political machine. The informal setting of a meal allowed us to convince many more witnesses to meet with us (e.g. Steve Duron, Bob Holbrook, Antonio Sanchez and Craig Foster), who otherwise would likely have rebuffed our efforts to talk with them (as several other witnesses did).
- 23. Attached hereto as Exhibit O is a true and correct copy of our meal expenses in this case, including the purpose of each meal.

War Room

Because of the location of our office, and the offices of our co-counsel, it was 24. necessary for us to maintain a war room at a downtown location during trial. We used that war room for meetings, document storage, and to take two depositions during trial because those witnesses (Tony Vazquez - one of Defendant's council members, and Margaret Quinones-Perez – a trustee for Santa Monica College) both defied court orders requiring them to submit to depositions before trial.

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- 28. While the costs required of plaintiffs' attorneys is often greater than that of defendants' attorneys, particularly because plaintiffs generally bear the burden of proof, the expenses billed by a non-prevailing counsel can sometimes be informative of the reasonableness of the prevailing parties' expenses. In order to make the comparison of fees and costs in this case, I directed Marci Hilsinger, a paralegal at the Parris Law Firm, to submit a California Public Records Act ("CPRA") request seeking information concerning the expenses paid by Defendant to its counsel in this case. Defendant refused to provide any information, and asserted that it would not provide any information at all regarding its expenditures on this case. A true and correct copy of Defendant's responses to the CPRA requests are attached hereto, collectively, as Exhibit P. We are not the only ones who have sought to uncover this information concerning Defendant's expenditure of public funds on lawyers to defend its council members' self-interested decision to cling to the racially discriminatory at-large election system. As the Santa Monica Lookout reported on March 5, 2019, that newspaper also requested the same information, and that request was similarly refused by Defendant. A true and correct copy of the March 5, 2019 article in the Santa Monica Lookout, titled "City Officials Won't Reveal Cost of Voting Rights Lawsuit Until Case is Closed" is attached hereto as **Exhibit Q**.
- 29. Though Defendant refused to provide any such information, I was able to discover documents that demonstrate the practices of Defendant's counsel Gibson Dunn & Crutcher LLP relating to billing its clients for expenses. Attached hereto as **Exhibit R** are true and correct copies of relevant pages from Gibson Dunn & Crutcher LLP's fee applications in *In re Sports Authority Holdings, Inc.* (D. Del.) Case No. 16-10527. As shown by these documents, Defendant's counsel separately bills its clients for various "categories of charges, including, among other things, telephone and telecopier toll and other charges, mail and express mail charges, special or hand delivery charges, document processing, photocopying charges, charges for mailing supplies (including, without limitation, envelopes and labels) ..., travel expenses, expenses for 'working meals,' computerized research,

transcription costs, as well as non-ordinary overhead expenses such as secretarial and other overtime." These are the same expenses Defendant criticizes Plaintiffs' counsel for including in its Memorandum of Costs. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 11th day of June 2019, at Malibu, California. Kevin I. Shenkman

SHENKMAN DECLARATION

28905 Wight Road Malibu, California 90265 (310) 457-0970 kshenkman@shenkmanhughes.com

VIA EMAIL

December 15, 2015

Mayor Tony Vazquez tony.vazquez@smgov.net Mayor Pro Tem Ted Winterer ted.winterer@smgov.net Councilmember Kevin McKeown kevin@mckeown.net Councilmember Gleam Davis gleam.davis@smgov.net Councilmember Sue Himmelrich sue.himmelrich@smgov.net Councilmember Pam O'Connor pam.oconnor@smgov.net Councilmember Terry O'Day terry.oday@smgov.net City Manager - Rick Cole rick.cole@smgov.net City of Santa Monica 1685 Main St., Rm. 209 Santa Monica, CA 90401

> Re: Violation of the California Voting Rights Act and Intentional Discrimination in the 1946 Adoption of At-Large Elections for the Santa Monica City Council

We write to you at the request of several Latino residents of the Pico Neighborhood of Santa Monica.

The City of Santa Monica ("Santa Monica") relies upon an at-large election system for electing candidates to its City Council. It also appears that voting within Santa Monica is racially polarized, resulting in minority vote dilution, and therefore Santa Monica's atlarge elections are violative of the California Voting Rights Act of 2001 ("CVRA").

Moreover, Santa Monica's current at-large election system is the result of intentional discrimination against Santa Monica's minority residents in 1946. At that time, the atlarge election system was adopted specifically to prevent the ethnic minority residents of

Santa Monica, residing principally in the southern portion of Santa Monica, from achieving representation on the Santa Monica City Council.

Santa Monica's At-Large Elections Violate the CVRA

The CVRA states in relevant part:

14027. An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class, as defined pursuant to Section 14026.

14028. (a) A violation of Section 14027 is established if it is shown that racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision. ...

While Santa Monica is a charter city, and charter cities are granted certain autonomy over the manner and method of their elections, it is now well settled that the CVRA preempts any conflicting charter provision regarding at-large elections. Specifically, in a case that the undersigned counsel successfully argued, the Court of Appeals found that the CVRA is equally applicable to charter cities, and controls over conflicting charter provisions, because it is narrowly tailored to addressing matters of statewide concern – the right to vote, equal protection, and the integrity of the electoral process. *Jauregui v. City of Palmdale* (2014) 226 Cal. App. 4th 781, 798-804, review denied en banc (Aug. 20, 2014).

Based on our analysis, Santa Monica's at-large system dilutes the ability of minority residents – particularly Latinos (a "protected class") – to elect candidates of their choice or otherwise influence the outcome of Santa Monica's council elections.

The key to determining whether an at-large election violates the CVRA, is determining whether there is racially polarized voting. See Cal. Elec. Code §14028 ("A violation of Section 14027 is established if it is shown that racially polarized voting occurs in elections ..." Racially polarized voting is "voting in which there is a difference ... in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate." Id. § 14026(e). Racially polarized voting shall be determined from examining results of elections in which "one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of a protected class." Id. § 14208(b).

Our research shows that in the history of the Santa Monica city council, spanning more than a hundred years, only one Latino has ever been elected to the city council, and there

has never been a Latino resident of the Pico Neighborhood, where Latinos are concentrated, elected to the Santa Monica city council. Latino residents of the Pico Neighborhood have run in several recent elections for the Santa Monica city council, and though they have been preferred by both voters in the Pico Neighborhood and by Latino voters generally, they have all lost due to the costly and discriminatory at-large system by which Santa Monica elects its city council.

Though not necessary to establish a violation of the CVRA, a history of discrimination, and the deleterious effects of that past discrimination on the protected class and its ability to elect candidates of its choice, are also relevant. Id. § 14208(e). Though Santa Monica is regarded by many to be one of the more progressive cities in the State, as explained more fully below, that was not true historically. Rather, Santa Monica has a disturbing history of racial discrimination that is masked by its more recent progressive image. In fact, whatever their intention, even recent decisions of the Santa Monica city council have had a deleterious impact on the Pico Neighborhood where Latinos are concentrated, for example the decisions to de-fund the Pico Youth and Family Center and to burden the Pico Neighborhood with the maintenance facility for the light rail that is planned to terminate near the much more affluent area around the 3rd St. Promenade. For Latinos residing in the Pico Neighborhood, the lack of representation, or prospect of representation, on the Santa Monica city council has led to the general neglect of their community. As revealed by documents recently released in connection with an employment case against Santa Monica, even employment decisions are made by the Santa Monica city council, and so not having appropriate representation on the city council has resulted in a lack of concern for the Latino community of the Pico Neighborhood from Santa Monica's administration as well as its city council.

As you may be aware, in 2012, we sued the City of Palmdale for violating the CVRA. After an eight-day trial, we prevailed. We then prevailed in successive appeals, and writ petitions, and the trial court's judgment was affirmed in June 2015. After spending millions of dollars, district-based elections are now ultimately being imposed upon the Palmdale city council, with districts that combine all incumbents into one of the four districts. Moreover, in addition to the estimated \$2.5 million paid by the City of Palmdale to its attorneys, the City of Palmdale was required to pay us more than \$4.6 million for our efforts.

Given the historical lack of Latino representation, and particularly from the Pico neigborhood, on the city council in the context of racially polarized elections, we urge Santa Monica to voluntarily change its at-large system of electing council members. Otherwise, on behalf of residents within the jurisdiction, we will be forced to seek judicial relief.

Santa Monica's At-Large Elections Are the Result of Intentional Discrimination in 1946

Even if Santa Monica's at-large election system could withstand a challenge based on the

CVRA (it cannot), it would still fall as it was adopted with the purpose of discriminating against Santa Monica's ethnic minority population residing in the southern portion of the city. That fact alone – that the 1946 adoption of at-large elections was generally motivated by a desire to disenfranchise ethnic minorities – makes the at-large election system unconstitutional today. *See, e.g., Hunter v. Underwood*, 471 US 222 (1985) (invalidating a suffrage provision of the 1901 Alabama Constitution Convention even though it was adopted 84 years earlier).

This should come as no surprise to Santa Monica. In 1992, the Santa Monica city attorney retained renowned discrimination expert, Dr. J. Morgan Kousser, to evaluate whether the at-large election system was adopted with a discriminatory intent. Dr. Kousser investigated the matter, and prepared a detailed report, concluding that the 1946 adoption of at-large elections for the city council was likely motivated by a desire to keep ethnic minorities, concentrated in the southern portion of the city, from achieving electoral success and gaining representation on Santa Monica's city council. A copy of Dr. Kousser's report is attached for your convenience.

Despite Dr. Kousser's conclusions, solicited by the Santa Monica city attorney, Santa Monica has not taken the necessary actions to correct this historic wrong. Rather, the atlarge election system has accomplished exactly what it was intended to do—disenfranchise the minority residents living in the less-wealthy neighborhoods in the southern portion of Santa Monica, namely the Pico Neighborhood. While district-based elections would ensure that the Latino residents of the Pico Neighborhood enjoyed fair and equal representation in their local government, Santa Monica's current at-large system has prevented residents of the Pico Neighborhood from being elected to the city council, despite strong support from Latinos and the Pico Neighborhood.

Please advise us no later than January 11, 2016 as to whether you would like to discuss a voluntary change to your current at-large system.

We look forward to your response.

Very truly yours,

Kevin 9. Shenkman



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OP-ED OP-ED OPINION

Santa Monica shouldn't have to change its local elections

By TED WINTERER and GLEAM DAVIS

JUL 12, 2018 | 4:05 AM









Santa Monica Mayor Ted Winterer. (Los Angeles Times)

The city of Santa Monica received a letter from a Malibu law firm in late 2015 claiming that its at-large election system — in which all voters choose the whole city council — discriminated against Latino residents. We were both on the City Council at the time and found it surprising, not least because the then-mayor was Mexican American.

Still, the letter threatened a lawsuit under the <u>California Voting Rights Act</u> if the council did not immediately agree to change to district-based elections. It turns out Santa Monica wasn't alone. Dozens of cities have received similar demand letters — many from <u>the same lawyer</u> — and many have altered their election systems in response.



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Santa Monica, however, has decided to fight this lawsuit. Why? Because making electoral changes based on lawsuits instead of the will of voters diminishes rather than enhances voting rights. Equally important, the facts in Santa Monica and the experience of cities elsewhere show that carving the city into districts will not meaningfully enhance local Latino political representation.

The Pico neighborhood is the focus of the California Voting Rights Act lawsuit, but the 13% of Santa Monica voters who are Latino live in every part the city. Under our existing at-large election system, Latino candidates have won seats on all of the city's governing bodies, including two currently serving on the seven-member City Council. As the <u>Los Angeles Times</u> reported, in this kind of racially integrated landscape, a change to district-based elections is unlikely to increase Latino representation.

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PAID CONTENT What Is This?



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If the California legislature believes that district-based voting is the only system that works, it should mandate the switch statewide.

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GrassrootsLab, a consulting firm that specializes in local government politics, studied the electoral outcomes in 22 cities that switched to district elections because of a California Voting Rights Act legal threat. Only seven of the 22 cities saw any increase in Latino elected officials. Indeed, some people are trying to make the case that district elections create their own set of problems. The former mayor of Poway, for instance, in October filed a federal lawsuit arguing that forcing district elections ultimately violates the constitutional rights of other voters.

Santa Monica voters have twice rejected proposals to move to district-based elections, in 1975 and 2002. A district system may work well in larger cities like Los Angeles, but dividing up our 8.3-square-mile community will pit neighborhood against neighborhood, increasing balkanization and encouraging legislative deal-making to serve the interests of individual districts rather than the city as a whole.

A united Santa Monica has been able to tackle large issues, including crime, homelessness, affordable housing, mobility, economic growth, educational opportunity and community well-being. We work hard to accomplish a lot, in part because council members are accountable to every Santa Monica voter every two years. With district elections, residents would be represented by only one council member, who would face election only once every four years.

Other California cities believed just as strongly in their at-large election systems. They nonetheless switched to district elections out of fear of overwhelming legal costs. In addition to paying their own lawyers, cities that lose such cases have to pay the plaintiff's attorney's fees, according to the state law. In Palmdale, where one of the first high-profile cases was settled in 2015, the attorney fees hit \$4.5 million.

Enter the Fray: First takes on the news of the minute from L.A. Times Opinion

We are fighting this lawsuit because we believe it lacks merit. But other cities without our financial resources haven't had that choice. Instead, decisions affecting the heart of the democratic process were driven as much by fear of legal costs as by desire to ensure that everybody's vote counts. This cannot be what the state legislature intended when it passed the California Voting Rights Act in 2001.

If Santa Monica voters believe that district-based voting will best serve our city, we can go to the ballot box to make that choice. If the California legislature believes that district-based voting is the only system that works, it should mandate the switch statewide. But if state lawmakers believe that Californians should have a choice as to how they elect their local representatives, the California Voting Rights Act should be amended to follow the federal Voting Rights Act, which ensures that court-mandated districting and payment of attorneys' fees occurs only when a district-based system is truly needed to make sure minority votes count.

Ted Winterer has served on the Santa Monica City Council since 2012 and is currently mayor. Gleam Davis has been on the council since 2009 and is mayor pro tem.

Today's Headlines Newsletter

Delivered weekdays

SYLA LO

Superior Court of California County of Los Angeles

FEB 13 2019

Sherri R. Carter Executive Officer/Clerk

By Deputy

New M. Raya

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

PICO NEIGHBORHOOD ASSOCIATION,) Case No.: BC616804 et al.)

Plaintiffs,) JUDGMENT; ATTACHMENT) vs.)

CITY OF SANTA MONICA,)

Defendant.)

The Court finds as follows:

Plaintiff Maria Loya is registered to vote, and resides in the City of Santa Monica, California. She is a member of a "protected class" as that term is defined in California Elections Code Section 14026. Plaintiff Pico Neighborhood Association is an organization with members who, like Maria Loya, reside in Santa Monica, are registered to vote, and are

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members of a protected class. Plaintiff Pico Neighborhood

Association's organizational mission is germane to the subject

of this case - namely, advocating for the interests of Pico

Neighborhood residents, including to the city government, where

Latinos are concentrated in Santa Monica.

Defendant is a political subdivision as that term is defined in California Elections Code Section 14026. The governing body of Defendant is the City Council of Santa Monica, California. The City Council of Santa Monica, California is elected by an "at large method of election" as that term is defined in California Elections Code Section 14026.

Plaintiffs have demonstrated that elections in Santa Monica, namely elections for Defendant's city council involving at least one Latino candidate, are consistently and significantly characterized by "racially-polarized voting" as that term is defined in California Elections Code Section 14026.

• Analyzing elections over the past twenty-four years, a consistent pattern of racially-polarized voting emerges. In most elections where the choice is available, Latino voters strongly prefer a Latino candidate running for Defendant's city council, but, despite that support, the preferred Latino candidate loses. As a result, though Latino candidates are generally preferred by the Latino electorate in Santa Monica, only one Latino has been elected to the Santa Monica City

Council in the 72 years of the current election system - 1 out of 71 to serve on the city council.

• Though not necessary to show a CVRA violation,

Plaintiffs have also demonstrated other factors supporting the

finding of a violation of the CVRA, pursuant to Elections Code

section 14028(e), including a history of discrimination in Santa

Monica; the use of electoral devices or other voting practices

or procedures that may enhance the dilutive effects of at-large

elections; that Latinos in Santa Monica bear the effects of past

discrimination in areas such as education, employment, and

health, which hinder their ability to participate effectively in

the political process; the use of overt or subtle racial appeals

in political campaigns; and a lack of responsiveness by the

Santa Monica city government to the Latino community

concentrated in the Pico Neighborhood.

In the face of racially polarized voting patterns of the Santa Monica electorate, Defendant has imposed an at-large method of election in a manner that impairs the ability of .

Latinos to elect candidates of their choice or influence the outcome of elections, as a result of the dilution or the abridgment of the rights of Latino voters.

The City of Santa Monica amended its charter in 1946,
adopting its current council-manager form of government and
current at-large election system. The precise terms of that

charter amendment, and specifically the form of elections to be employed, were decided upon by a Board of Freeholders. In 1992, Defendant's city council rejected the recommendation of the Charter Review Committee to scrap the at-large election system. In each instance, the adoption and/or maintenance of at-large elections was done with a discriminatory purpose, and has had a discriminatory impact.

The CVRA does not require the imposition of district-based elections. The Court considered cumulative voting, limited voting and ranked choice voting as potential remedies to Defendant's violation of the CVRA. Plaintiffs presented these at-large alternatives for the Court's consideration, but both Plaintiffs and Defendant agreed that the most appropriate remedy would be a district-based remedy. While the Court finds that each of these alternatives would improve Latino voting power in Santa Monica, the Court finds that the imposition of district-based elections is an appropriate remedy to address the effects of the established history of racially-polarized voting.

During the trial, Plaintiffs' expert presented a district plan. That district plan included a district principally composed of the Pico Neighborhood, where Santa Monica's Latino community is concentrated. Districts drawn to remedy a violation of the CVRA should be nearly equal in population, and should not be drawn in a manner that may violate the federal

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Voting Rights Act. Other factors may also be considered -- the topography, geography and communities of interest of the city should be respected, and the districts should be cohesive, contiquous and compact. Elections Code Section 21620. Districts drawn to remedy a violation of the CVRA should not be drawn to protect current incumbents. Incumbency protection is generally disfavored in California. California Constitution Art. XXI Section 2(e). The place of residence of incumbents or political candidates is not one of the considerations listed in Section 21620 of the Elections Code. Race should not be a predominant consideration in drawing districts unless necessary to remedy past violation of voting rights. The district plan presented by Plaintiffs' expert properly takes into consideration the factors of topography, geography, cohesiveness, contiguity and compactness of territory, and community of interest of the districts, and race was not a predominant consideration.

The current members of the Santa Monica City Council were elected through unlawful elections. The residents of the City of Santa Monica deserve to have a lawfully elected city council as soon as is practical. The residents of the City of Santa Monica are entitled to have a council that truly represents all members of the community. Latino residents of Santa Monica, like all other residents of Santa Monica, deserve to have their

voices heard in the operation of their city. This can only be accomplished if all members of the city council are lawfully elected. To permit some members of the council to remain who obtained their office through an unlawful election may be a necessary and appropriate interim remedy but will not cure the clear violation of the CVRA and Equal Protection Clause.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- Defendant violated the California Voting Rights Act,
 California Elections Code Sections 14025 14032;
- Defendant's plurality at-large elections for its City
 Council violate Elections Code Sections 14027 and 14028;
- 3. Defendant violated the Equal Protection Clause of the California Constitution, California Constitution, Article I Section 7;
- 4. Defendant's plurality at-large elections for its City Council violate the Equal Protection Clause of the California Constitution;
- 5. Defendant is permanently enjoined from imposing, applying, holding, tabulating, and/or certifying any further atlarge elections, and/or the results thereof, for any positions on its City Council;
- 6. Defendant is permanently enjoined from imposing, applying, holding, tabulating, and/or certifying any elections,

and/or the results thereof, for any positions on its City
Council, except an election in conformity with this Judgment;

7. All further elections, from the date of entry of this Judgment for any seats on the Santa Monica City Council, shall be district-based elections, as defined by the California Voting Rights Act, in accordance with the map attached hereto. The metes and bounds of each district, as depicted in the map are described using TIGER line segments (used to define census block geography) as follows:

District #1

The region bounded and described as follows:

Beginning at the point of intersection of Alley between Princeton and Harvard and Broadway, and proceeding southerly along Alley between Princeton and Harvard to Colorado Ave, and proceeding northerly along Colorado Ave to Stewart St, and proceeding southerly along Stewart St to Olympic Blvd, and proceeding easterly along Olympic Blvd to City Boundary, and proceeding easterly along City Boundary to Pico Blvd, and proceeding westerly along Pico Blvd to 22nd St, and proceeding southerly along 22nd St to Alley south of Pico Blvd, and proceeding westerly along Alley south of Pico Blvd to 20th St, and proceeding northerly along 20th St to Pico Blvd, and proceeding westerly along Pico Blvd to Lincoln Blvd, and proceeding northerly along Pico Blvd to Broadway, and

proceeding easterly along Broadway to Alley between 9th and 10th St, and proceeding northerly along Alley between 9th and 10th St to Santa Monica Blvd, and proceeding easterly along Santa Monica Blvd to 16th St, and proceeding southerly along 16th St to Broadway, and proceeding easterly along Broadway to Alley between 17th and 18th St, and proceeding southerly along Alley between 17th and 18th St to Colorado Ave, and proceeding northerly along Colorado Ave to Alley between 19th and 20th St, and proceeding northerly along Alley between 19th and 20th St to Broadway, and proceeding northerly along Broadway to the point of beginning.

District #2

The region bounded and described as follows:

Beginning at the point of intersection of City Boundary and Pico Blvd, and proceeding southerly along City Boundary to NE boundary of Census Block 060377022021010, and proceeding westerly along NE boundary of Census Block 060377022021010 to 11th St, and proceeding northerly along 11th St to Marine Pl N, and proceeding westerly along Marine Pl N to Alley east of Lincoln Blvd, and proceeding westerly along Alley east of Lincoln Blvd to Pier Ave, and proceeding westerly along Pier Ave to Lincoln Blvd, and proceeding westerly along Lincoln Blvd to Hill Pl N, and proceeding easterly along Hill Pl N to 11th St, and proceeding northerly along 11th St to Pico Blvd, and

proceeding easterly along Pico Blvd to 20th St, and proceeding southerly along 20th St to Alley south of Pico Blvd, and proceeding easterly along Alley south of Pico Blvd to 22nd St, and proceeding northerly along 22nd St to Pico Blvd, and proceeding easterly along Pico Blvd to the point of beginning.

District #3

The region bounded and described as follows:

Beginning at the northmost point of City Boundary, and proceeding southeasterly along City Boundary to Montana Ave, and proceeding westerly along Montana Ave to 20th St, and proceeding southerly along 20th St to Idaho Ave, and proceeding westerly along Idaho Ave to 9th St, and proceeding northerly along 9th St to Montana Ave, and proceeding westerly along Montana Ave to Montana Ave Extension, and proceeding southerly along Montana Ave Extension to City Boundary, and proceeding northerly along City Boundary to the point of beginning.

District #4

The region bounded and described as follows:

Beginning at the City Boundary at the intersection of Montana Ave and 26th St, and proceeding easterly along City Boundary to Olympic Blvd, and proceeding westerly along Olympic Blvd to Stewart St, and proceeding westerly along Stewart St to Colorado Ave, and proceeding westerly along Colorado Ave to Alley between Princeton and Harvard, and proceeding northerly

along Alley between Princeton and Harvard to Broadway, and proceeding westerly along Broadway to Princeton St, and proceeding northerly along Princeton St to Santa Monica Blvd, and proceeding westerly along Santa Monica Blvd to Chelsea Ave, and proceeding northerly along Chelsea Ave to Wilshire Blvd, and proceeding westerly along Wilshire Blvd to 17th St, and proceeding northerly along 17th St to Idaho Ave, and proceeding easterly along Idaho Ave to 20th St, and proceeding northerly along 20th St to Montana Ave, and proceeding easterly along Montana Ave to Unlabeled, and proceeding northerly along Unlabeled to Montana Ave, and proceeding easterly along Montana Ave to the point of beginning.

District #5

The region bounded and described as follows:

Beginning at the point of intersection of Chelsea Ave and Wilshire Blvd, and proceeding easterly along Chelsea Ave to Santa Monica Blvd, and proceeding easterly along Santa Monica Blvd to Princeton St, and proceeding southerly along Princeton St to Broadway, and proceeding westerly along Broadway to Alley between 19th and 20th St, and proceeding southerly along Alley between 19th and 20th St to Colorado Ave, and proceeding westerly along Colorado Ave to Alley between 17th and 18th St, and proceeding northerly along Alley between 17th and 18th St to Broadway, and proceeding westerly along Broadway to 16th St, and

proceeding northerly along 16th St to Santa Monica Blvd, and proceeding southerly along Santa Monica Blvd to Alley between 9th and 10th St, and proceeding southerly along Alley between 9th and 10th St to Broadway, and proceeding westerly along Broadway to 7th St, and proceeding northerly along 7th St to Wilshire Blvd, and proceeding easterly along Wilshire Blvd to Lincoln Blvd, and proceeding westerly along Lincoln Blvd to Montana Ave, and proceeding easterly along Montana Ave to 9th St, and proceeding southerly along 9th St to Idaho Ave, and proceeding easterly along Idaho Ave to 17th St, and proceeding easterly along 17th St to Wilshire Blvd, and proceeding easterly along Wilshire Blvd to the point of beginning.

District #6

The region bounded and described as follows:

Beginning at the point of intersection of Lincoln Blvd and Montana Ave, and proceeding southerly along Lincoln Blvd to Wilshire Blvd, and proceeding westerly along Wilshire Blvd to 7th St, and proceeding southerly along 7th St to Broadway, and proceeding easterly along Broadway to Lincoln Blvd, and proceeding southerly along Lincoln Blvd to Bay St, and proceeding westerly along Bay St to Ocean Front Walk, and proceeding northerly along Ocean Front Walk to Pico Blvd Extension, and proceeding westerly along Pico Blvd Extension to City Boundary, and proceeding westerly along City Boundary to

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Montana Ave Extension, and proceeding easterly along Montana Ave Extension to Montana Ave, and proceeding northerly along Montana Ave to Unlabeled, and proceeding easterly along Unlabeled to Montana Ave, and proceeding easterly along Montana Ave to the point of beginning.

District #7

The region bounded and described as follows:

Beginning at the point of intersection of 11th St and Pico Blvd, and proceeding southerly along 11th St to Hill Pl N, and proceeding westerly along Hill Pl N to Lincoln Blvd, and proceeding easterly along Lincoln Blvd to Pier Ave, and proceeding easterly along Pier Ave to Alley east of Lincoln Blvd, and proceeding easterly along Alley east of Lincoln Blvd to Marine Pl N, and proceeding easterly along Marine Pl N to 11th St, and proceeding southerly along 11th St to NE boundary of Census Block 060377022021010, and proceeding easterly along NE boundary of Census Block 060377022021010 to City Boundary, and proceeding westerly along City Boundary to Unlabeled, and proceeding westerly along Unlabeled to City Boundary, and proceeding westerly along City Boundary to Pico Blvd Extension, and proceeding easterly along Pico Blvd Extension to Ocean Front Walk, and proceeding southerly along Ocean Front Walk to Bay St, and proceeding easterly along Bay St to Lincoln Blvd, and

proceeding northerly along Lincoln Blvd to Pico Blvd, and proceeding easterly along Pico Blvd to the point of beginning;

- 8. Defendant shall hold a district-based special election, consistent with the district map attached hereto on July 2, 2019 for each of the seven seats on the Santa Monica City Council, and the results of said special election shall be tabulated and certified in compliance with applicable sections of the Elections Code;
- 9. Any person, other than a person who has been duly elected to the Santa Monica City Council through a district-based election in conformity with this Judgment, is prohibited from serving on the Santa Monica City Council after August 15, 2019;
- 10. The Court retains jurisdiction to interpret and enforce this Judgment and to adjudicate any disputes regarding implementation or interpretation of this Judgment;
- 11. Pursuant to Elections Code Section 14030 and Code of Civil Procedure Section 1021.5, Plaintiffs are the prevailing and successful parties and are entitled to recover reasonable attorneys' fees and costs, including expert witness fees and expenses, in an amount to be determined by noticed motion for an award of attorneys' fees and a memorandum of costs for an award of costs, including expert witness fees and expenses.

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DATED:

February 13, 2019

HETTE M. PALAZUELOS JUDGE OF THE SUPERIOR COURT



EX.261-1

FEG J 3 2018

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

PICO NEIGHBORHOOD ASSOCIATION, et al.) Case No.: BC616804
Plaintiffs,) STATEMENT OF DECISION
VS.)
CITY OF SANTA MONICA,)
Defendant.)
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Pursuant to CCP §632, the Court issues the following Statement of Decision in support of its Judgment after court trial:

INTRODUCTION

Plaintiffs' Pico Neighborhood Association ("PNA"), Maria
 Loya ("Loya"), filed a First Amended Complaint alleging two
 causes of action: 1) Violation of the California Voting Rights

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Act of 2001 ("CVRA"); and 2) Violation of the Equal Protection Clause of the California Constitution ("Equal Protection Clause").

- Defendants answered the Complaint denying each of the 2. foregoing allegations and raising certain affirmative defenses.
- The action was tried before the Court on August 1, 2018 through September 13, 2018. After considering written closing briefs, the Court issued its Tentative Decision on November 8, 2018, finding in favor of Plaintiffs on both causes of action.
- On November 15, 2018, Defendant requested a statement of decision.
- The parties submitted further briefing regarding proposed remedies, and on December 7, 2018 a hearing was held on the issue of remedies. On December 12, 2018 the Court issued its Amended Tentative Decision again finding in favor of Plaintiffs on both causes of action. Defendant again requested a statement of decision.

THE CALIFORNIA VOTING RIGHTS ACT

"At-large" voting is an election method that permits voters of an entire jurisdiction to elect candidates to the seats of its governing board and which permits a plurality of voters to capture all of the available seats. Sanchez v. City of Modesto (2006) 145 Cal.App.4th 660. The U.S. Supreme Court "has long recognized that multi-member districts and at-large voting

schemes may operate to minimize or cancel out the voting strength" of minorities. Thornburg v. Gingles (1986) 478 U.S. 30, 46-47; see also id. at 48, n. 14 (at-large elections may also cause elected officials to "ignore [minority] interests without fear of political consequences"), citing Rogers v. Lodge (1982) 458 U.S. 613, 623; White v. Regester (1973) 412 U.S. 755, 769. In at-large elections, "the majority, by virtue of its numerical superiority, will regularly defeat the choices of minority voters." Gingles, supra, at 47.

7. Section 2 of the federal Voting Rights Act ("FVRA"), 52
U.S.C. § 10101, et seq., targets, among other things,
discriminatory at-large election schemes. <u>Gingles</u>, <u>supra</u>, 478
U.S. at 37. By enacting the CVRA, the California "Legislature intended to expand protections against vote dilution over those provided by the federal Voting Rights Act of 1965." <u>Jauregui v.</u>
City of Palmdale (2014) 226 Cal.App.4th 781, 808. The CVRA "was enacted to implement the equal protection and voting guarantees of article I, section 7, subdivision (a) and article II, section 2" of the California Constitution. <u>Id.</u> at 793, citing § 14031¹.

8. "Section 14027 [of the CVRA] sets forth the circumstances where an at-large electoral system may not be imposed …: 'An at-

large method of election may not be imposed or applied in a

¹ Statutory citations are to the California Elections Code, unless otherwise indicated.

manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class, as defined pursuant to Section 14026.'" Id., citing Sanchez, supra, 145 Cal.App.4th at 669. Section 14028 of the CVRA provides more clarity on how a violation of the CVRA is established: "A violation of Section 14027 is established if it is shown that racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision."

- 9. "Section 14026, subdivision (e) defines racially polarized voting thusly: 'Racially polarized voting means voting in which there is a difference, as defined in case law regarding enforcement of the federal Voting Rights Act ([52 U.S.C. Sec. 10301 et seq.]), in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate." Jauregui, supra, 226 Cal.App.4th at 793.
- 10. "Proof of racially polarized voting patterns are established by examining voting results of elections where at least one candidate is a member of a protected class; elections

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involving ballot measures; or other 'electoral choices that affect the rights and privileges' of protected class members." Jauregui, supra, 226 Cal.App.4th at 793 citing § 14028 subd. (b). Racially polarized voting can be shown through quantitative statistical evidence, using the methods approved in federal Voting Rights Act cases. Id. at 794, quoting § 14026, subd. (e). ("The methodologies for estimating group voting behavior as approved in applicable federal cases to enforce the federal Voting Rights Act [52 U.S.C. Sec. 10301 et seq.] to establish racially polarized voting may be used for purposes of this section to prove that elections are characterized by racially polarized voting.") Additionally, "[t]here are a variety of [other] factors a court may consider in determining whether an at-large electoral system impairs a protected class's ability to elect candidates or otherwise dilute their voting power," including "the extent to which candidates who are members of a protected class and who are preferred by voters of the protected class, as determined by an analysis of voting behavior, have been elected to the governing body of a political subdivision that is the subject of an action" (§ 14028, subd. (b)) and the qualitative factors listed in Section 14028 subd.

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(e) which "are probative, but not necessary factors to establish a violation of [the CVRA]".2 Ibid. at 794.

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11. Equally important to an understanding of the CVRA is what the CVRA directs the Court to consider in acknowledging what need not be shown to establish a violation of the CVRA. While the CVRA is similar to the FVRA in several respects, it is also different in several key respects, as the Legislature sought to remedy what it considered "restrictive interpretations given to the federal act." Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001-2002 Reg. Sess.) as amended Apr. 9, 2002, at 2. For example: a) Unlike the FVRA, to establish a violation of the CVRA, plaintiffs need not show that a "majority-minority" district can be drawn. § 14028, subd. (c); Sanchez, supra, 145 Cal.App.4th at 669; b) Likewise, the factors enumerated in section 14028 subd. (e), which are modeled on, but also differ from, the FVRA's "Senate factors," are "not necessary [] to establish a violation." § 14028, subd. (e); and c) "[P]roof of an intent to discriminate is [also] not an element of a

² Section 14028 subd. (e) provides: "Other factors such as the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns are probative, but not necessary factors to establish a violation of Section 14027 and this section."

violation of [the CVRA]." <u>Jauregui</u>, <u>supra</u>, 226 Cal.App.4th at 794, citing § 14028, subd. (d).

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12. The appellate courts that have addressed the CVRA have noted that showing racially polarized voting establishes the atlarge election system dilutes minority votes and therefore violates the CVRA. Rey v. Madera Unified School Dist. (2012) 203 Cal.App.4th 1223, 1229 ("To prove a CVRA violation, the plaintiffs must show that the voting was racially polarized. However, they do not need to either show that members of a protected class live in a geographically compact area or demonstrate a discriminatory intent on the part of voters or officials."); Jauregui, supra, 226 Cal.App.4th at 798 ("The trial court's unquestioned findings [concerning racially polarized voting] demonstrate that defendant's at-large system dilutes the votes of Latino and African American voters."); see also Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001-2002 Reg. Sess.) as amended Apr. 9, 2002, at 2 (The CVRA "addresses the problem of racial block voting, which is particularly harmful to a state like California due to its diversity.")

- 13. The key element under the CVRA—"racially polarized voting" consists of two interrelated elements: (1) "the minority group.
- . . is politically cohesive[;]" and (2) "the White majority votes sufficiently as a bloc to enable it—in the absence of

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special circumstances-usually to defeat the minority's preferred candidate." Gomez v. City of Watsonville (9th Cir. 1988) 863 F.2d 1407, 1413, quoting Gingles, supra, 478 U.S. at 50-51. It is the combination of plurality-winner at-large elections and racially polarized voting that yields the harm the CVRA is intended to combat. Jauregui, supra, 226 Cal.App.4th at 789 (describing how vote dilution is proven in FVRA cases and how vote dilution is differently proven in CVRA cases). To an even greater extent than the FVRA, the CVRA expressly directs the courts, in analyzing "elections for members of the governing body of the [defendant]" to focus on those "elections in which at least one candidate is a member of a protected class." § 14028, subds. (a), (b). 14. Once liability is established under the CVRA, the Court has a broad range of remedies from which to choose in order to provide greater electoral opportunity, including both district and non-district solutions. § 14029; Sanchez, supra, 145 Cal.App.4th at 670; Jauregui, supra, 226 Cal.App.4th at 808 ("The Legislature intended to expand protections against vote dilution over those provided by the federal Voting Rights Act. It is incongruous to intend this expansion of vote dilution liability but then constrict the available remedies in the electoral context to less than those in the Voting Rights Act. The Legislature did not intend such an odd result.")

15. In light of the broad range of remedies available to the Court, a plaintiff need not demonstrate the desirability of any particular remedy to establish a violation of the CVRA. § 14028, subd. (a); Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001-2002 Reg. Sess.) as amended Apr. 9, 2002, p. 3 ("Thus, this bill puts the voting rights horse (the discrimination issue) back where it sensibly belongs in front of the cart (what type of remedy is appropriate once racially polarized voting has been shown.")

Defendant's "At Large" Elections Are Consistently Plagued By Racially Polarized Voting

16. The CVRA defines "racially polarized voting" as "voting in which there is a difference, as defined in case law regarding enforcement of the federal Voting Rights Act (42 U.S.C. § 1973 et seq.), in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate." § 14026, subd. (e).

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The CVRA defines "[a]t-large method of election" as including any method" in which the voters of the entire jurisdiction elect the members to the governing body." § 14026 subd. (a). Though the parties did not stipulate to this element, Defendant has never disputed that it employs an at-large method of electing its city council. The CVRA explicitly grants standing to "any voter who is a member of a protected class and who resides in a political subdivision where a violation of [the CVRA] is alleged." (§ 14032). Though the parties did not stipulate to this element, Defendant has never disputed that Plaintiffs Maria Loya and Pico Neighborhood Association have standing.

17. The federal jurisprudence regarding "racially polarized voting" over the past thirty-two years finds its roots in Justice Brennan's decision in Gingles, and in particular, the second and third "Gingles factors." Justice Brennan explained that racially polarized voting is tested by two criteria: (1) the minority group is politically cohesive; and (2) the majority group votes sufficiently as a bloc to enable it to usually defeat the minority group's preferred candidates. Gingles, supra, 478 U.S. at 30, 51.

18. A minority group is politically cohesive where it supports its preferred choices to a significantly greater degree than the majority group supports those same choices; in elections for office (as opposed to ballot measures), the CVRA focuses on elections in which at least one candidate is a member of the protected class of interest (§ 14028(b)), because those elections usually offer the most probative test of whether voting patterns are racially polarized. Gomez, supra, 863 F. 2d at 1416 ("The district court expressly found that predominantly Hispanic sections of Watsonville have, in actual elections, demonstrated near unanimous support for Hispanic candidates. This establishes the requisite political cohesion of the minority group.") The extent of majority "bloc voting" sufficient to show racially polarized voting is that which

allows the White majority to "usually defeat the minority group's preferred candidate." Ibid.

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19. As Justice Brennan explained, it is through establishment of this element that impairment is shown-i.e. that the "at-large method of election [is] imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election." § 14027; Gingles, supra, 478 U.S. at 51 ("In establishing this last circumstance, the minority group demonstrates that submergence in a white multimember district impedes its ability to elect its chosen representatives.") 20. Gingles also set forth appropriate methods of identifying racially polarized voting; since individual ballots are not identified by race, race must be imputed through ecological demographic and political data. The long-approved method of ecological regression ("ER") yields statistical power to determine if there is racially polarized voting if there are not a sufficient number of racially homogenous precincts (90% or more of the precinct is of one particular ethnicity). Benavidez v. City of Irving (N.D. Tex. 2009) 638 F.Supp.2d 709, 723 ("HPA [homogenous precinct analysis] and ER [ecological regression] were both approved in Gingles and have been utilized by numerous courts in Voting Rights Act cases.") The CVRA expressly adopts methods like ER that have been used in federal Voting Rights Act

cases to demonstrate racially polarized voting. § 14026, subd.

(e) ("The methodologies for estimating group voting behavior as approved in applicable federal cases to enforce the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.) to establish racially polarized voting may be used for purposes of this section to prove that elections are characterized by racially polarized voting.")

21. At trial, Plaintiffs and Defendant offered the statistical analyses of their respective experts - Dr. J. Morgan Kousser and Dr. Jeffrey Lewis, respectively. Though the details and methods of their respective analyses differed in minor ways, the analyses by Plaintiffs' and Defendant's experts reveal the same thing - Santa Monica elections that are legally relevant under the CVRA are racially polarized. Analyzing elections over the past twenty-four years, a consistent pattern of racially-polarized voting emerges. In most elections where the choice is available, Latino voters strongly prefer a Latino candidate running for Defendant's city council, but, despite that support, the preferred Latino candidate loses. As a result, though

^{*} Dr. Kousser opined that his analysis demonstrates racially polarized voting. Though he had done so in other cases, Dr. Lewis reached no conclusions about racially polarized voting in this case, and declined to opine about whether his analysis demonstrated racially polarized voting. Another of Plaintiffs' experts, Justin Levitt, evaluated the results of Dr. Lewis' statistical analyses, and concluded, like Dr. Kousser, that all of the relevant elections evaluated by Dr. Lewis exhibit racially polarized voting, including in some instances racial polarization that is so "stark" that it is similar to the polarization "in the late '60s in the Deep South."

Latino candidates are generally preferred by the Latino electorate in Santa Monica, only one Latino has been elected to the Santa Monica City Council in the 72 years of the current election system - 1 out of 71 to serve on the city council.

22. Dr. Kousser, a Caltech professor who has testified in many voting rights cases spanning more than 40 years, analyzed the elections specified by the CVRA: "elections for members of the governing body of the political subdivision . . . in which at least one candidate is a member of a protected class." § 14028 subds. (a), (b). The CVRA's focus on elections involving minority candidates is consistent with the view of a majority of federal circuit courts that racially-contested elections are most probative of an electorate's tendencies with respect to racially polarized voting.

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⁵ U.S. v. Blaine Cty., Mont. (9th Cir. 2004) 363 F.3d 897, 911 (rejecting defendant's argument that trial court must give weight to elections involving no minority candidates); Ruiz v. City of Santa Maria (9th Cir. 1998) 160 F.3d 543, 553 ("minority v. non-minority election is more probative of racially polarized voting than a non-minority v. non-minority election" because "[t]he Act means more than securing minority voters' opportunity to elect whites."); Westwego Citizens for Better Gov't v. City of Westwego (5th Cir.1991) 946 F.2d 1109, 1119, n. 15 ("[T]he evidence most probative of racially polarized voting must be drawn from elections including both black and white candidates."); League of United Latin Am. Citizens, Council No. 4434 v. Clements (5th Cir. en banc 1993) 999 F.2d 831, 864 ("This court has consistently held that elections between white candidates are generally less probative in examining the success of minority-preferred candidates"); Citizens for a Better Gretna v. City of Gretna, La. (5th Cir.1987) 834 F.2d 496, 502 ("That blacks also support white candidates acceptable to the majority does not negate instances in which white votes defeat a black preference [for a black candidate]."); Jenkins v. Red Clay Consol. School Dist. Bd. of Educ. (3d Cir. 1993) 4 F.3d 1103, 1128-1129 ("The defendants also argue that the plaintiffs may not selectively choose which elections to analyze, but rather must analyze all the elections, including those involving only white candidates. It is only on the basis of such a comprehensive

In those elections, Dr. Kousser focused on the level of support for minority candidates from minority voters and majority voters respectively, just as the Court in Gingles, and many lower courts since then, have done. Gingles, supra, 478 U.S. at 58-61 ("We conclude that the District Court's approach, which tested data derived from three election years in each district, and which revealed that blacks strongly supported black candidates, while, to the black candidates' usual detriment, whites rarely did, satisfactorily addresses each facet of the proper legal standard."); Id. at 81 (Appendix A providing Dr. Grofman's ecological regression estimates for support for Black candidates from, respectively, White and Black voters); see also, e.g., Garza v. Cnty. of Los Angeles (C.D. Cal. 1990) 756 F. Supp. 1298, 1335-37, aff'd, 918 F.2d 763 (9th Cir. 1990) (summarizing the bases on which the court found racially polarized voting: "The results of the ecological regression analyses demonstrated that for all elections analyzed, Hispanic voters generally preferred Hispanic candidates over non-Hispanic candidates. ... Of the elections analyzed by plaintiffs' experts non-Hispanic voters provided majority support for the Hispanic candidates in only three elections, all partisan general election contests in which party

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analysis, the defendants submit, that the court is able to evaluate whether or not there is a pattern of white bloc voting that usually defeats the minority voters' candidate of choice. We disagree.")

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affiliation often influences the behavior of voters"); Benavidez v. Irving Indep. Sch. Dist. (N.D. Tex. 2014) 2014 WL 4055366, *11-12 (finding racially polarized voting based on Dr. Engstrom's analysis which the court described as follows: "Dr. Engstrom then conducted a statistical analysis ... to estimate the percentage of Hispanic and non-Hispanic voters who voted for the Hispanic candidate in each election. ... Based on this analysis, Dr. Engstrom opined that voting in Irving ISD trustee elections is racially polarized.") 24. In its closing brief, Defendant argued that the Supreme Court in Gingles held that the race of a candidate is "irrelevant," but what Defendant fails to recognize is that the portion of Gingles it relies upon did not command a majority of the Court, and Defendant's reading of Gingles has been rejected by federal circuit courts in favor of a more practical racesensitive analysis. Ruiz v. City of Santa Maria, supra, 160 F.3d at 550-53 (collecting other cases rejecting Defendant's view and noting that "non-minority elections do not provide minority voters with the choice of a minority candidate and thus do not fully demonstrate the degree of racially polarized voting in the community.") To the extent there is any doubt about whether the race of a candidate impacts the analysis in FVRA cases, there can be no doubt under the CVRA; the statutory language mandates a focus on elections involving minority

candidates. \$14028 subd.(b) ("The occurrence of racially polarized voting shall be determined from examining results of elections in which at least one candidate is a member of a protected class ... One circumstance that may be considered ... is the extent to which candidates who are members of a protected class and who are preferred by voters of the protected class ... have been elected to the governing body of the political subdivision that is the subject of an action ..."). In this analysis, it is not that minority support for minority candidates is presumed; to the contrary, it must be demonstrated. But both the CVRA and federal case law recognize that the most probative test for minority voter support and cohesion usually involves an election with the option of a minority candidate.

25. Dr. Kousser provided the details of his analysis, and concluded those elections demonstrate legally significant racially polarized voting.⁶ Specifically, Dr. Kousser evaluated the 7 elections for Santa Monica City Council between 1994 and 2016 that involved at least one Spanish-surnamed candidate⁷ and

⁶ Dr. Kousser presented his analyses using unweighted ER, weighted ER and ecological inference ("EI"). Dr. Kousser explained that, of these three statistical methods, weighted ER is preferable in this case. Dr. Kousser's conclusions were the same for each of these three methods, so, for the sake of brevity, only his weighted ER analysis is duplicated here.

One of Defendant's city council members, Gleam Davis, testified that she considers herself Latina because her biological father was of Hispanic descent (she was adopted at an early age by non-Hispanic white parents).

provided both the point estimates of group support for each candidate as well as the corresponding statistical errors (in parentheses in the charts below):

Weighted Ecological Regression⁸

Year	Latino Candidate(s)	% Latino Support	% Non- Hispanic	Polarized	Won?
1994	Vazquez	145.5	White Support	Yes	No
1996	Alvarez	22.2	15.8 (1.1)	No	No
2002	Aranda	82.6	16.5 (1.3)	Yes	No
2004	Loya	106.0 (12.3)	21.2 (2.0)	Yes	No
2008	Piera-Avila	33.3 (5.2)	5.7 (0.8)	Yes	No

Though that may be true, the Santa Monica electorate does not recognize her as Latina, as demonstrated by the telephone survey of registered voters conducted by Jonathan Brown; even her fellow council members did not realize she considered herself to be Latina until after the present case was filed. Consistent with the purpose of considering the race of a candidate in assessing racially polarized voting, it is the electorate's perception that matters, not the unknown self-identification of a candidate. Paragraph 24 herein.

Because each voter could cast votes for up to three or four candidates in a particular election, Prof. Kousser estimated the portion of voters, from each ethnic group, who cast at least one vote for each candidate.

2012	Vazquez	92.7	19.1 (2.0)	Yes	Yes
	Gomez	(9.0)	2.9 (0.7)	Yes	No
	Duron	30.4	4.4 (0.6)	No	No
		(3.3)			
		5.0			
		(2.6)			
2016	de la Torre	88.0	12.9 (1.5)	Yes	No
	Vazquez	(6.0)	36.6 (2.3)	Yes	Yes
		78.3			
		(9.0)			MAA

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26. Non-Hispanic Whites voted statistically significantly differently from Latinos in 6 of the 7 elections. The ecological regression analyses of these elections also reveals that when Latino candidates run for the Santa Monica City Council, Latino voters cohesively support those Latino candidates - in all but one of those six elections, a Latino candidate received the most Latino votes, often by a large margin. And in all but one of those six elections, the Latino candidate most favored by Latino voters lost, making the racially polarized voting legally significant. Gingles, supra, 478 U.S. at 56 ("in general, a white bloc vote that normally will defeat the combined strength of minority support plus white 'crossover' votes rises to the level of legally significant white bloc voting.") Even in that one instance (2012 - Tony

1 Vazquez), the Latino candidate who won came in fourth in a four-2 3 4 5 7 9 10 11

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seat race in that unusual election, in which none of the incumbents who had won four years earlier sought re-election. Id. at 57, fn. 26 ("Furthermore, the success of a minority candidate in a particular election does not necessarily prove that the district did not experience polarized voting in that election; special circumstances, such as the absence of an opponent, incumbency, or the utilization of bullet voting, may explain minority electoral success in a polarized contest. This list of special circumstances is illustrative, not exclusive.") 27. In summary, Dr. Kousser's analysis revealed:

- In 1994, Latino voters heavily favored the lone Latino candidate - Tony Vazquez - but he lost.
- In 2002, the lone Latina candidate and resident of the Pico Neighborhood - Josefina Aranda - was heavily favored by Latino voters, but she lost.
- In 2004, the lone Latina candidate and resident of the Pico Neighborhood - Maria Loya - was heavily favored by Latino voters, but she lost.

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• In 2008, the lone Latina candidate and resident of the Pico Neighborhood - Linda Piera-Avila - received significant support from Latino voters.9

- In 2012, two incumbents Richard Bloom and Bobby Shriver decided not to run for re-election, and the two other incumbents who had prevailed in 2008 Ken Genser and Herb Katz died during their 2008—12 terms. The leading Latino candidate Tony Vazquez was heavily favored by Latino voters but did not receive nearly as much support from non-Hispanic White voters. He was able to eke out a victory, coming in fourth place in this four-seat race.
- Finally, in 2016, a race for four city council positions,
 Oscar de la Torre a Latino resident of the Pico Neighborhood was heavily favored by Latinos, but lost. In 2016, Mr. de la
 Torre received more support from Latinos than did Mr. Vazquez.
 This is the prototypical illustration of legally significant
 racially polarized voting Latino voters favor Latino
 candidates, but non-Latino voters vote against those candidates,
 and therefore the favored candidates of the Latino community

At trial, Dr. Kousser explained that even though Ms. Piera-Avila did not receive support from a majority of Latinos, the contrast between the levels of support she received from Latinos and non-Hispanic whites, respectively, nonetheless demonstrate racially polarized voting, just as the Gingles court found very similar levels of support for Mr. Norman in the 1978 and 1980 North Carolina House races to likewise be consistent with a finding of racially polarized voting. Gingles, supra, 478 U.S. at 81, Appx. A.

Gingles, supra, 478 U.S. at 58-61 ("We conclude that the lose. District Court's approach, which tested data derived from three election years in each district, and which revealed that blacks strongly supported black candidates, while, to the black candidates' usual detriment, whites rarely did, satisfactorily addresses each facet of the proper legal standard.") Defendant argues that the Court should disregard Mr. de la Torre's 2016 candidacy because, according to Defendant, Mr. de la Torre intentionally lost that election. But Defendant presented no evidence that Mr. de la Torre did not try to win that election, and Mr. de la Torre unequivocally denied that he deliberately attempted to lose that election. And, the ER analysis by Dr. Lewis further undermines Defendant's assertion -Mr. de la Torre received essentially the same level of support from Latino voters in the 2016 council election as he did in his 2014 election for school board, an odd result if Mr. de la Torre had tried to win one election and lose the other. 29. All of this led Dr. Kousser to conclude: "[b]etween 1994 and 2016 [] Santa Monica city council elections exhibit legally significant racially polarized voting" and "the at-large election system in Santa Monica result[s] in Latinos having less opportunity than non-Latinos to elect representatives of their choice" to the city council. This Court agrees.

30. Defendant's expert, Dr. Lewis, did not disagree. In fact, he confirmed all of the indicia of racially polarized voting in all of the Santa Monica City Council elections he analyzed involving at least one Latino candidate, as well as in other elections. Specifically, Dr. Lewis confirmed that his ER and EI results demonstrate: (1) that the Latino candidates for city council generally received the most votes from Latino voters; (2) that those Latino candidates received far less support from non-Hispanic Whites; and (3) the difference in levels of support between Latino and non-Hispanic White voters were statistically significant applying even a 95% confidence level (with the lone exception of Steve Duron):

Year	Latino	% Latino	% Non-
	Candidate(s)	Support	Hispanic White Support
2002	Aranda	69 (10)	16 (1)
2004	Loya	106 (14)	21 (2)
2008	Piera-Avila	32 (4)	6 (1)
2012	Vazquez	90 (6)	20 (1)
	Gomez	29 (2)	3 (1)
	Duron	5 (2)	4 (0)
2016	de la Torre	87 (4)	14 (1)
	Vazquez	65 (7)	34 (2)

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31. Dr. Lewis also analyzed elections for other local offices (e.g. school board and college board) and ballot measures such as Propositions 187 (1994), 209 (1996) and 227 (1998). The instant case concerns legal challenges to the election structure for the Santa Monica City Council; where there exist legally relevant election results concerning the Santa Monica City Council, those elections will necessarily be most probative. Consistent with FVRA cases that have addressed the relevance and weight of "exogenous" elections, this Court gives exogenous elections less weight than the endogenous elections discussed above. Bone Shirt v. Hazeltine (8th Cir. 2006) 461 F.3d 1011 (acknowledging that exogenous elections are of much less probative value than endogenous elections, some federal courts have relied upon exogenous elections involving minority candidates to further support evidence of racially polarized voting in endogenous elections); Jenkins, supra, 4 F.3d at 1128-1129 (same); Rodriguez v. Harris Cnty, Texas (2013) 964 F.Supp.2d 686 (same); Citizens for a Better Gretna, supra, 834 F.2d at 502-503 ("Although exogenous elections alone could not prove racially polarized voting in Gretna aldermanic elections, the district court properly considered them as additional evidence of bloc voting - particularly in light of the sparsity of available data."); Clay v. Board of Educ. of City of St. Louis (8th Cir. 1996) 90 F.3d 1357, 1362 (exogenous elections

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"should be used only to supplement the analysis of" endogenous elections); Westwego Citizens for Better Gov't, supra, 946 F.2d at 1109 (analysis of exogenous elections appropriate because no minority candidates had ever run for the governing board of the defendant).

32. The focus on endogenous elections is particularly appropriate in this case because, as several witnesses confirmed, the political reality of Defendant's city council elections is very different than that of elections for other governing boards with more circumscribed powers, such as school board and rent board. Dr. Lewis' ER and EI analyses show that non-Hispanic White voters in Santa Monica will support Latino candidates for offices other than city council. For example, according to Dr. Lewis, Mr. de la Torre received votes from 88% of Latino voters and 33% of non-Hispanic White voters in his school board race in 2014, and when he ran for city council just two years later he received essentially the same level of support from Latino voters (87%) but much less support from non-Hispanic Whites (14%) than he had received in the school board race.

33. Regardless of the weight given to exogenous elections, they may not be used to undermine a finding of racially polarized voting in endogenous elections. Bone Shirt, supra, 461 F.3d at 1020-1021 ("Endogenous and interracial elections are the best

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minority candidate... Although they are not as probative as endogenous elections, exogenous elections hold some probative value."); Rural West Tenn. African American Affairs Council v. Sundquist (W.D. Tenn. 1998) 29 F.Supp.2d 448, 457 ("Certainly, the voting patterns in exogenous elections cannot defeat evidence, statistical or otherwise, about endogenous elections."), quoting Cofield v. City of LaGrange, Ga. (N.D.Ga.1997) 969 F.Supp. 749, 773. To hold otherwise would only serve to perpetuate the sort of glass ceiling that the CVRA and FVRA are intended to eliminate. 34. Nonetheless, exogenous elections in Santa Monica further support the conclusion that the levels of support for Latino candidates from Latino and non-Hispanic White voters, respectively, is always statistically significantly different, with non-Hispanic White voters consistently voting against the Latino candidates who are overwhelmingly supported by Latino voters.

indicators of whether the white majority usually defeats the

Election	Latino Candidate(s)	% Latino Support	% Non-Hispanic White Support
2002 - school board	de la Torre	107 (13)	34 (2)
2004 - school	Jara	113 (13)	37 (2)

board	Leon-Vazquez	98 (9)	44 (2)
	Escarce	74 (8)	44 (1)
2004 - college	Quinones-Perez	55 (5)	21 (1)
board			
2006 - school	de la Torre	95 (12)	40 (1)
board			
2008 - school	Leon-Vazquez	101 (8)	40 (1)
board	Escarce	68 (6)	36 (1)
2008 - college	Quinones-Perez	58 (6)	35 (1)
board			
2010 - school	de la Torre	94 (8)	33 (1)
board			
2012 - school	Leon-Vazquez	92 (7)	32 (1)
board	Escarce	62 (6)	29 (1)
2014 - school	de la Torre	88 (7)	33 (1)
board			
2014 - college	Loya	84 (3)	27 (1)
board			
2014 - rent	Duron	46 (8)	23 (1)
board			
2016 - college	Quinones-Perez	85 (5)	36 (1)
ooard			

25 35. While he provided his estimates based on ER and EI, Dr.

Lewis also questioned the propriety of using those methods. Dr.

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Lewis showed that the "neighborhood model" yields different estimates, but the neighborhood model does not fit real-world patterns of voting behavior for particular candidates and the use of the neighborhood model to undermine ER has been rejected by other courts. Garza, supra, 756 F.Supp. at 1334. Dr. Lewis claimed that the lack of data from predominantly Hispanic precincts in Santa Monica renders the ER and EI estimates unreliable, but that argument too has been rejected by the courts. Fabela v. City of Farmers Branch, Tex. (N.D. Tex. Aug. 2, 2012) 2012 WL 3135545, *10-11, n. 25, n. 33 (relying on EI despite the absence of "precincts with a high concentration of Hispanic voters"); Benavidez, supra, 638 F.Supp.2d at 724-25 (approving use of ER and EI where the precincts analyzed all had "less than 35%" Spanish-surnamed registered voters); Perez v. Pasadena Indep. Sch. Dist. (S.D. Tex. 1997) 958 F. Supp. 1196, 1205, 1220-21, 1229, aff'd (5th Cir. 1999) 165 F.3d 368 (relying on ER to show racially polarized voting where the polling place with the highest Latino population was 35% Latino). To disregard ER and EI estimates because of a lack of predominantly minority precincts would also be contrary to the intent of the Legislature in expressly disavowing a requirement that the minority group is concentrated. § 14028 subd. (c) ("[t]he fact that members of a protected class are not geographically compact

or concentrated may not preclude a finding of racially polarized voting.")

36. Moreover, the comparably low percentage of Latinos among the actual voters in Santa Monica precincts is due in part to the reduced rates of voter registration and turnout among eligible Latino voters. Where limitations in the data derive from reduced political participation by members of the protected class, it would be inappropriate to discard the ER results on that basis, because to do so "would allow voting rights cases to be defeated at the outset by the very barriers to political participation that Congress has sought to remove." Perez, supra, 958 F.Supp. at 1221 quoting Clark v. Calhoun Cty. (5th Cir. 1996) 88 F.3d 1393, 1398.

37. Dr. Lewis argued that using Spanish-surname matching to estimate the Latino proportion of voting precincts causes a "skew," but he also acknowledged that Spanish surname matching is the best method for estimating the Latino proportion of each precinct, and the conclusion of racially polarized voting in this case would not change even if the estimates were adjusted to account for any skew. Finally, Dr. Lewis showed that ER and EI do not produce accurate estimates of Democratic Party registration among Latinos in Santa Monica, but that does not undermine the validity or propriety of ER and EI to estimate

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voting behavior in this case. Luna v. Cnty. of Kern (E.D. Cal. 2018) 291 F.Supp.3d 1088, 1123-25 (rejecting the same argument). 38. Most importantly, the CVRA directs the Court to credit the statistical methods accepted by federal courts in FVRA cases, including ER and EI, and Dr. Lewis did not suggest or employ any method that could more accurately estimate group voting behavior in Santa Monica. § 14026 subd. (e) ("The methodologies for estimating group voting behavior as approved in applicable federal cases to enforce the federal Voting Rights Act of 1965 [52 U.S.C. Sec. 10301 et seq.] to establish racially polarized voting may be used for purposes of this section to prove that elections are characterized by racially polarized voting.") 39. In its closing brief, Defendant argues that there is no racially polarized voting because at least half of what Defendant calls "Latino-preferred" candidacies have been successful in Santa Monica. But that mechanical approach suggested by Defendant - treating a Latino candidate who receives the most votes from Latino voters (and loses, based on the opposition of the non-Hispanic White electorate) the same as a White candidate who receives the second, third or fourth-most votes from Latino voters (and wins, based on the support of the non-Hispanic White electorate) - has been expressly rejected by the courts. Ruiz, supra, 160 F.3d at 554 (rejecting the district court's "mechanical approach" that viewed the victory

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of a White candidate who was the second-choice of Latinos in a multi-seat race as undermining a finding of racially polarized voting where Latinos' first choice was a Latino candidate who lost: "The defeat of Hispanic-preferred Hispanic candidates, however, is more probative of racially polarized voting and is entitled to more evidentiary weight. The district court should also consider the order of preference non-Hispanics and Hispanics assigned Hispanic-preferred Hispanic candidates as well as the order of overall finish of these candidates."); see also id. at 553 ("But the Act's guarantee of equal opportunity is not met when . . . [c]andidates favored by [minorities] can win, but only if the candidates are white." (citations and internal quotations omitted)]; Smith v. Clinton (E.D. Ark. 1988) 687 F.Supp. 1310, 1318, aff'd, 488 U.S. 988 (1988) (it is not enough to avoid liability under the FVRA that "candidates favored by blacks can win, but only if the candidates are white."); Clarke v. City of Cincinnati (6th Cir. 1994) 40 F.3d 807, 812 (voting rights laws' "guarantee of equal opportunity is not met when [] candidates favored by [minority voters] can win, but only if the candidates are white.") 40. An approach that accounts for the political realities of the jurisdiction is required, particularly in light of purpose of the CVRA. Jauregui, supra, 226 Cal. App. 4th at 807 ("Thus,

the Legislature intended to expand the protections against vote

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dilution provided by the federal Voting Rights Act of 1965."); Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001-2002 Reg. Sess.) as amended Apr. 9, 2002, at 2 (the Legislature sought to remedy what it considered "restrictive interpretations given to the federal act."); Cf. Gingles, supra, 478 U.S. at 62-63 ("appellants' theory of racially polarized voting would thwart the goals Congress sought to achieve when it amended § 2, and would prevent courts from performing the 'functional' analysis of the political process, and the 'searching practical evaluation of the past and present reality"). To disregard or discount both the order of preference of minority voters and the demonstrated salience of the races of the candidates, as Defendant suggests, would actually exculpate discriminatory atlarge election systems where there is a paucity of minority candidates willing to run in the at-large system - itself a symptom of the discriminatory election system. Westwego Citizens for Better Government, supra, 872 F. 2d at 1208-1209, n. 9 ("it is precisely this concern that underpins the refusal of this court and of the Supreme Court to preclude vote dilution claims where few or no black candidates have sought offices in the challenged electoral system. To hold otherwise would allow voting rights cases to be defeated at the outset by the very barriers to political participation that Congress has sought to remove.")

1 41. No doubt, a minority group can prefer a non-minority 2 candidate and, in a multi-seat plurality at-large election, can 3 prefer more than one candidate, perhaps to varying degrees, but 4 that does not mean that this Court should blind itself to the 5 races of the candidates, the order of preference of minority 6 voters, and the political realities of Defendant's elections. 7 When Latino candidates have run for Santa Monica's city council, 8 they have been overwhelmingly supported by Latino voters, 9 receiving more votes from Latino voters than any other 10 candidates. And absent unusual circumstances, because the 11 remainder of the electorate votes against the candidates 12 receiving overwhelming support from Latino voters, those 13 candidates generally still lose. That demonstrates legally 14 relevant racially polarized voting under the CVRA. Gingles, 15 16 supra, 478 U.S. at 58-61 ("We conclude that the District Court's 17 approach, which tested data derived from three election years in 18 each district, and which revealed that blacks strongly supported 19 black candidates, while, to the black candidates' usual 20 21 facet of the proper legal standard.") 22

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detriment, whites rarely did, satisfactorily addresses each facet of the proper legal standard.")

The Qualitative Factors Further Support a Finding of Racially

Polarized Voting and a Violation of the CVRA

42. Section 14028(e) allows plaintiffs to supplement their

statistical evidence with other evidence that is "probative, but

not necessary [] to establish a violation" of the CVRA. That section provides in relevant part that: "[a] history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns." See also, Assembly Committee Analysis of SB 976 (Apr. 2, 2002). These "probative, but not necessary" factors further support a finding of racially polarized voting in Santa Monica and a violation of the CVRA.

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History Of Discrimination.

43. In Garza, supra, 756 F.Supp. at 1339-1340, the court detailed how "[t]he Hispanic community in Los Angeles County has borne the effects of a history of discrimination." The court described the many sources of discrimination endured by Latinos in Los Angeles County: "restrictive real estate covenants [that] have created limited housing opportunities for the Mexican-origin population"; the "repatriation" program in which "many legal resident aliens and American citizens of Mexican

descent were forced or coerced out of the country"; segregation 1 in public schools; exclusion of Latinos from "the use of public facilities" such as public swimming facilities; and "English language literacy [being] a prerequisite for voting" until 1970. Id. at 1340-41. Since Santa Monica is within Los Angeles County, Plaintiffs do not need to re-prove this history of discrimination in this case. Clinton, supra, 687 F. Supp. at 8 1317 ("We do not believe that this history of discrimination, which affects the exercise of the right to vote in all elections 10 under state law, must be proved anew in each case under the 11 Voting Rights Act.") 12 44. Nonetheless, at trial Plaintiffs presented evidence that 13 this same sort of discrimination was perpetuated specifically 14 against Latinos in Santa Monica - e.g. restrictive real estate 15 16 covenants, and approximately 70% of Santa Monica voters voting 17 in favor of Proposition 14 in 1964 to repeal the Rumford Fair 1.8 Housing Act and therefore again allow racial discrimination in 19 housing; segregation in the use of public swimming facilities; 20 repatriation and voting restrictions applicable to all of 21 California, including Santa Monica. 22 23

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The Use Of Electoral Devices Or Other Voting Practices Or Procedures That May Enhance The Dilutive Effects Of At-Large Elections

45. Defendant stresses that its elections are free of many devices that dilute (or have diluted) minority votes in other jurisdictions, such as numbered posts and majority vote requirements. Nevertheless, the staggering of Defendant's city council elections enhances the dilutive effect of its at-large election system. City of Lockhart v. U.S. (1983) 460 U.S. 125, 135 ("The use of staggered terms also may have a discriminatory effect under some circumstances, since it . . . might reduce the opportunity for single-shot voting or tend to highlight individual races.")

The Extent To Which Members Of A Protected Class Bear The
Effects Of Past Discrimination In Areas Such As Education,
Employment, And Health, Which Hinder Their Ability To
Participate Effectively In The Political Process.

46. "Courts have [generally] recognized that political participation by minorities tends to be depressed where minority groups suffer effects of prior discrimination such as inferior education, poor employment opportunities and low incomes."

Garza, supra, 756 F.Supp. at 1347, citing Gingles, supra, 478

U.S. at 69. Where a minority group has less education and wealth than the majority group, that disparity "necessarily

inhibits full participation in the political process" by the minority. Clinton, supra, 687 F.Supp. at 1317.

47. As revealed by the most recent Census, Whites enjoy significantly higher income levels than their Hispanic and African American neighbors in Santa Monica — a difference far greater than the national disparity. This is particularly problematic for Latinos in Santa Monica's at-large elections because of how expensive those elections have become — more than one million dollars was spent in pursuit of the city council seats available in 2012, for example. There is also a severe achievement gap between White students and their African American and Hispanic peers in Santa Monica's schools that may further contribute to lingering turnout disparities.

The Use Of Overt Or Subtle Racial Appeals In Political Campaigns.

48. In 1994, after opponents of Tony Vazquez advertised that he had voted to allow "Illegal Aliens to Vote" and characterized him as the leader of a Latino gang, causing Mr. Vazquez to lose that election, he let his feelings be known to the Los Angeles Times: "Vazquez blamed his loss on 'the racism that still exists in our city. ... The racism that came out in this campaign was just unbelievable.'"

49. More recent racial appeals, though less overt, have been used to defeat other Latino candidates for Santa Monica's city

council. For example, when Maria Loya ran in 2004, she was frequently asked whether she could represent all Santa Monica residents or just "her people" - a question that non-Hispanic White candidates were not asked. These sorts of racial appeals are particularly caustic to minority success, because they not only make it more difficult for minority candidates to win, but they also discourage minority candidates from even running.

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Lack Of Responsiveness To The Latino Community.

50. Although not listed in section 14028(e), the unresponsiveness of Defendant to the needs of the Latino community is a factor probative of impaired voting rights. Gingles, supra, 478 U.S. at 37, 45; \$14028 subd.(e) (indicating that list of factors is not exhaustive - "Other factors such as the history of discrimination ...") (emphasis added)). That unresponsiveness is a natural, perhaps inevitable, consequence of the at-large election system that tends to cause elected officials to "ignore [minority] interests without fear of political consequences." Gingles, supra, 478 U.S. at 48, n. 14. 51. The elements of the city that most residents would want to put at a distance - the freeway, the trash facility, the city's maintenance yard, a park that continues to emit poisonous methane gas, hazardous waste collection and storage, and, most recently, the train maintenance yard - have all been placed in the Latino-concentrated Pico Neighborhood. Some of these

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undesirable elements - e.g., the 10-freeway and train maintenance yard - were placed in the Pico Neighborhood at the direction, or with the agreement, of Defendant or members of its city council.

52. Defendant's various commissions (planning commission, arts commission, parks and recreation commission, etc.), the members of which are appointed by Defendant's city council, are nearly devoid of Latino members, in sharp contrast to the significant proportion (16%) of Santa Monica residents who are Latino. That near absence of Latinos on those commissions is important not only in city planning but also for political advancement: in the past 25 years there have been 2 appointments to the Santa Monica City Council, and both of the appointees had served on the planning commission.

The At-Large Election System Dilutes the Latino Vote in Santa Monica City Council Elections.

voting, "dilution" is a separate element of a violation of the CVRA. Even if "dilution" were an element of a CVRA claim, separate and apart from a showing of racially polarized voting, the evidence still demonstrates dilution by the standard proposed by Defendant in its closing brief — "that some alternative method of election would enhance Latino voting power." At trial, Plaintiffs presented several available

remedies (district-based elections, cumulative voting, limited 1 voting and ranked choice voting), each of which would enhance Latino voting power over the current at-large system. 54. While it is impossible to predict with certainty the 4 results of future elections, the Court considered the national, state and local experiences with district elections, 7 particularly those involving districts in which the minority group is not a majority of the eligible voters, other available 8 remedial systems replacing at-large elections, and the precinct-10 level election results in past elections for Santa Monica's city 11 council. Based on that evidence, the Court finds that the district map developed by Mr. Ely, and adopted by this Court as 13 an appropriate remedy, will likely be effective, improving 14 Latinos' ability to elect their preferred candidate or influence 15 the outcome of such an election.

The CVRA Is Not Unconstitutional

- Defendant argues that the CVRA is unconstitutional, pursuant to a line of cases beginning with Shaw, supra, 509 U.S. 630. As the court in Sanchez held, the CVRA is not unconstitutional; Shaw is simply not applicable. Sanchez, supra, 145 Cal.App.4th at 680-682.
- 56. Defendant's argument that the CVRA is unconstitutional begins with the already-rejected notion that the CVRA is subject to strict scrutiny because it employs a racial classification.

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supra, 145 Cal.App.4th at 680-682. Rather, although "the CVRA involves race and voting, ... it does not allocate benefits or burdens on the basis of race"; it is race-neutral in that it neither singles out members of any one race nor advantages or disadvantages members of any one race. Id. at 680. Accordingly, the CVRA is not subject to strict scrutiny; it is subject to the more permissive rational basis test, which the Sanchez court held it easily passes. Ibid. 57. Defendant seems to suggest that even though the CVRA was not subject to strict scrutiny in Sanchez, it must be subject to strict scrutiny in Santa Monica under Shaw, because any remedy in Santa Monica will inevitably be based predominantly on race. But, as discussed below, the remedy selected by this Court was not based predominantly on race - the district map was drawn based on the non-racial criteria enumerated in Elections Code section 21620. Moreover, Shaw and its progeny do not require strict scrutiny every time that race is pertinent in electoral proceedings. Instead, the Shaw line of cases, which focus on the expressive harm to voters conveyed by particular district lines, require strict scrutiny when "race was the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district[.]" Ala. Legislative Black Caucus v. Ala. (2015) 135

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S. Ct. 1257, 1267, quoting Miller v. Johnson (1995) 515 U.S. 900, 916. This standard does not govern liability under the CVRA, and does not govern the imposition of a remedy in the abstract (e.g., whether district lines should be drawn or an alternative voting system imposed), but rather it governs the imposition of particular lines in particular places affecting particular voters.

even if districts are necessarily the appropriate remedy.

Sanchez, supra, 145 Cal.App.4th at 687 ("Upon a finding of liability, [the CVRA] calls only for appropriate remedies, not for any particular, let alone any improper, use of race.") The Court is unaware of any applicable case, finding a Shaw violation based on the adoption of district elections, as opposed to where lines are drawn (and as explained below, the appropriate remedial lines in this case were not drawn predominantly based on race). That is precisely why the Sanchez court rejected the City of Modesto's similar reliance on Shaw in that case. Id. at 682-683.

59. The State of California has a legitimate—indeed compelling—interest in preventing race discrimination in voting and in particular curing demonstrated vote dilution. This interest is consistent with and reflects the purposes of the California Constitution as well as the Fourteenth and Fifteenth Amendments

to the United States Constitution. § 14027 (identifying the abridgment of voting rights as the end to be prohibited); § 14031 (indicating that the CVRA was "enacted to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution"); Cal. Const., Art. I, § 7 (guaranteeing, among other rights, the right to equal protection of the laws); id. Art. II, § 2 (guaranteeing the right to vote); Sanchez at 680 (identifying "[c]uring vote dilution" as a purpose of the CVRA.) The CVRA, which provides a private right of action to seek remedies for vote dilution, is rationally related to the State's interest in curing vote dilution, protecting the right to vote, protecting the right to equal protection of the laws, and protecting the integrity of the electoral process. Jauregui, supra, 226 Cal.App.4th at 799-801; Sanchez, supra, 145 Cal.App.4th at 680. 60. As discussed above, Defendant's election system has resulted in vote dilution - the very injury that the CVRA is intended to prevent and remedy - and, though not required by the CVRA, the evidence explored below even indicates that the dilution remedied in this case was the product of intentional discrimination. And, as discussed below, there are several

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remedial options to effectively remedy that vote dilution in

this case. Accordingly, the CVRA is constitutional and easily

satisfies the rational basis test, on its face and in its specific application to Defendant.

61. Even if strict scrutiny were found to apply to the CVRA, the CVRA is narrowly tailored to achieve a compelling state interest and therefore also satisfies that test. First, California has compelling interests in protecting all of its citizens' rights to vote and to participate equally in the political process, protecting the integrity of the electoral process, and in ensuring that its laws and those of its subdivisions do not result in vote dilution in violation of its robust commitment to equal protection of the laws. Cal. Const., Art. I, § 7, Art. II, § 2; Elec. Code §§ 14027, 14031; Jauregui, supra, 226 Cal.App.4th at 799-801; Sanchez, supra, 145 Cal.App.4th at 680.

62. Second, the CVRA is narrowly tailored to achieve its compelling interests in preventing the abridgment of the right to vote. The CVRA requires a person to demonstrate the existence of racially polarized voting to prove a violation. § 14028 subd. (a). Where racially polarized voting does not exist, the CVRA will not require a remedy. As with the FVRA, both the findings of liability and the establishment of a remedy under the CVRA do not rely on assumptions about race, but rather on factual patterns specific to particular communities in particular geographic regions, based on electoral evidence.

Compare, Shaw, supra, 509 U.S. at 647-648 (unconstitutional racial gerrymandering is based on the assumption that "members of the same racial group-regardless of their age, education, economic status, or the community in which they live-think alike, share the same political interests, and will prefer the same candidates at the polls") with id. at 653 (distinguishing the Voting Rights Act, in which "racial bloc voting and minority-group political cohesion never can be assumed, but specifically must be proved in each case" based on evidence of group voting behavior.) And though federal cases have not considered the CVRA specifically in this regard, the Supreme Court has repeatedly implied that remedies narrowly drawn to combat racially polarized voting and discriminatory vote dilution will survive strict scrutiny. 10 As a result, the CVRA sweeps no wider than necessary to equitably secure for Californians their rights to vote and to participate in the political process. Jauregui, supra, 226 Cal.App.4th at 802.

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concede the justification for its most exacting level of scrutiny.

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League of United Latin Am. Citizens v. Perry (2006) 548 U.S. 399, 475, n.12 (Stevens, J., joined by Breyer, J., concurring in part and dissenting in part); id. at 518-519 (Scalia, J., joined by Thomas, J., Alito, J., and Roberts, C.J., concurring in the judgment in part and dissenting in part); Bush v. Vera (1996) 517 U.S. 952, 990, 994 (O'Connor, J., concurring); Shaw, supra, 509 U.S. at 653-54. Indeed, just last year, in Bethune-Hill v. Va. State Bd. of Elections (2017) 137 S. Ct. 788, the Supreme Court upheld a Virginia state Senate district against challenge on the theory that it was predominantly driven by race, but in a manner designed to meet strict scrutiny through compliance with the Voting Rights Act. Id. at 802. Neither party contested that compliance with the Voting Rights Act would satisfy strict scrutiny, but the Court does not usually permit the litigants to

And if the CVRA generally satisfies strict scrutiny, It satisfies strict scrutiny in application here, where as described below, the dilution remedied was proven to be the product of intentional discrimination.

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THE EQUAL PROTECTION CLAUSE OF THE CALIFORNIA CONSTITUTION

63. Article I, section 7 of the California Constitution mirrors the Equal Protection Clause of the U.S. Constitution (Fourteenth Amendment). 11 Where governmental actions or omissions are motivated by a racially discriminatory purpose they violate the Equal Protection Clause, and when voting rights are implicated, "[t]he Supreme Court has established that official actions motivated by discriminatory intent 'have no legitimacy at all N.C. State Conference NAACP v. McCrory (4th Cir. 2016) 831 F.3d 204, 239 (surveying Supreme Court cases); see also generally Garza v. County of Los Angeles (9th Cir. 1990) 918 F.2d 763, cert. denied (1991) 111 S.Ct. 681. Neither the passage of time, nor the modification of the original enactment, can save a provision enacted with discriminatory intent. Id.; Hunter v. Underwood (1985) 471 U.S. 222 (invalidating a provision of the 1901 Alabama Constitution because it was motivated by a desire to disenfranchise African Americans, even though its "more blatantly discriminatory" portions had since been removed.)

Other than provisions relating exclusively to school integration, Article I section 7 provides "A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws."

"Determining whether invidious discriminatory purpose was a 64. motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available. ... [including] the historical background of the decision." Village of Arlington Heights v. Metro. Housing Dev. Corp. (1977) 429 U.S. 252, 266-68. Sometimes, racially discriminatory intent can be demonstrated by the clear statements of one or more decision makers. But, recognizing that these "smoking gun" admissions of racially discriminatory intent are exceedingly rare, in Arlington Heights, the U.S. Supreme Court described a number of potential, non-exhaustive, sources of evidence that might shed light on the question of discriminatory intent in the absence of a smoking gun admission:

The impact of the official action -- whether it bears more heavily on one race than another, may provide an important starting point. Sometimes a clear pattern, unexplainable on grounds other than race, emerges from the effect of the state action even when the governing legislation appears neutral on its face. The evidentiary inquiry is then relatively easy. But such cases are rare. Absent a pattern as stark as that in Gomillion or Yick Wo, impact alone is not determinative, and the Court must look to other evidence. The historical background of the decision

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is one evidentiary source, particularly if it reveals a series of official actions taken for invidious purposes. The specific sequence of events leading up to the challenged decision also may shed some light on the decision maker's purposes. ... Departures from the normal procedural sequence also might afford evidence that improper purposes are playing a role. Substantive departures too may be relevant, particularly if the factors usually considered important by the decision maker strongly favor a decision contrary to the one reached. The legislative or administrative history may be highly relevant, especially where there are contemporary statements by members of the decision-making body, minutes of its meetings, or reports. In some extraordinary instances, the members might be called to the stand at trial to testify concerning the purpose of the official action, although even then such testimony frequently will be barred by privilege. The foregoing summary identifies, without purporting to be exhaustive, subjects of proper inquiry in determining whether racially discriminatory intent existed.

Id. at 266-268 (citations omitted). "[P]laintiffs are not required to show that [discriminatory] intent was the sole purpose of the [challenged government decision]," or even the "primary purpose," just that it was "a purpose." Brown v. Board of Com'rs of Chattanooga, Tenn. (E.D. Tenn. 1989) 722 F. Supp. 380, 389, citing Arlington Heights at 265 and Bolden v. City of Mobile (S.D. Ala. 1982) 543 F. Supp. 1050, 1072.

Defendant's At-Large Election System Violates The Equal Protection Clause Of The California Constitution.

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Defendant's at-large election system was adopted and/or maintained with a discriminatory intent on at least two occasions - in 1946 and in 1992, either of which necessitates this Court invalidating the at-large election system. Hunter v. Underwood (1985) 471 U.S. 222 (invalidating a provision of the 1901 Alabama Constitution because it was motivated by a desire to disenfranchise African Americans, even though its "more blatantly discriminatory" portions had since been removed); Brown, supra 722 F. Supp. at 389 (striking at-large election system based on discriminatory intent in 1911 even absent discriminatory intent in maintaining that system in decisions of 1957, the late 1960s and early 1970s). In the early 1990s, the Charter Review Commission, impaneled by Defendant's city council, concluded that "a shift from the at-large plurality system currently in use" was necessary "to distribute empowerment more broadly in Santa Monica, particularly to ethnic groups ..." Even back in 1946, it was understood that at-large

elections would "starve out minority groups," leaving "the Jewish, colored [and] Mexican [no place to] go for aid in his special problems" "with seven councilmen elected AT-LARGE ... mostly originat[ing] from [the wealthy White neighborhood] North of Montana [and] without regard [for] minorities." Yet, in each instance Defendant chose at-large elections.

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Defendant's current at-large election system has a long history that has its roots in 1946. In 1946, Defendant adopted its current council-manager form of government, and chose an atlarge elected city council and school board. The at-large election feature remains in Defendant's city charter. Santa Monica Charter § 600 ("The City Council shall consist of seven members elected from the City at large ..."), § 900. As Dr. Kousser's testimony at trial and his report to the Santa Monica Charter Review Committee in 1992 explained, proponents and opponents of the at-large system alike, bluntly recognized that the at-large system would impair minority representation. And, another ballot measure involving a pure racial issue was on the ballot at the same time in 1946 - Proposition 11, which sought to ban racial discrimination in employment. Dr. Kousser's statistical analysis shows a strong correlation between voting in favor of the at-large charter provision and against the contemporaneous Proposition 11, further demonstrating the

understanding that at-large elections would prevent minority representation.

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67. When the Arlington Heights factors are each considered, those non-exhaustive factors militate in favor of finding discriminatory intent in the 1946 adoption of the current at large election system. The discriminatory impact of the atlarge election system was felt immediately after its adoption in 1946. Though several ran, no candidates of color were elected to the Santa Monica City Council in the 1940s, 50s or 60s. Bolden v. City of Mobile (S.D. Ala. 1982) 542 F. Supp. 1070, 1076 (relying on the lack of success of Black candidates over several decades to show disparate impact, even without a showing that Black voters voted for each of the particular Black candidates going back to 1874.) Moreover, the impact on the minorityconcentrated Pico Neighborhood over the past 72 years, discussed above, also demonstrates the discriminatory impact of the atlarge election system in this case. Gingles 478 U.S. at 48, n. 14 (describing how at-large election systems tend to cause elected officials to "ignore [minority] interests without fear of political consequences.")

68. The historical background of the decision in 1946 also weighs in favor of a finding of discriminatory intent. At-large elections were known to disadvantage minorities, and that was understood in Santa Monica in 1946. The non-White population in

Santa Monica was growing at a faster rate than the White 1 population - enough that the chief newspaper in Santa Monica, the Evening Outlook, was alarmed by the rate of increase in the 4 non-white population. The fifteen Freeholders, who proposed 5 only at-large elections to the Santa Monica electorate in 1946, 6 were all White, and all but one lived on the wealthier, Whiter 7 side of Wilshire Boulevard. At-large elections were, therefore, 8 in their self-interest, and at least three of the Freeholders 10 followed. 11 12 13 14 15 16

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successfully ran for seats on the city council in the years that The Santa Monica commissioners had adopted a resolution calling for all Japanese Americans to be deported to Japan rather than being allowed to return to their homes after being interned, Los Angeles County had been marred by the zoot suit riots, and racial tensions were prevalent enough in Santa Monica that a Committee on Interracial Progress was necessary. However, Defendants correctly point out (in their Objections to Plaintiff's proposed statement of decision) that some members of the Committee on Interracial Progress supported the 1946 Santa Monica charter amendment and that none signed onto advertisements opposing it. Indeed, minority leaders, including one the city's most prominent African Americans, Rev. W.P. Carter, endorsed the charter.

70. The Court has weighed the historical evidence, including 1 the endorsement of the charter amendment by some minority leaders, and the Court finds that the evidence of discriminatory 3 4 intent outweighs the contrary evidence. The Court draws the 5 inferences that the creation of the Committee on Interracial 6 Progress was an acknowledgment of racial tension, that those 7 members were aware that the election of minority candidates was 8 an issue with the charter amendment, and that the members of the 9 Committee on Interracial Progress were hopeful that the charter 10 amendment (which increased the governing body from three to 11 seven, among other things) would increase the number of 12 minorities elected to the governing body. The charter amendment 13 was approved and, despite the hopefulness, did not result in the 14 election of minorities for decades. 15

71. At the same time as the 1946 Santa Monica charter amendment was approved, a significant majority of Santa Monica voters voted against Proposition 11, which would have outlawed racial discrimination in employment, and Dr. Kousser's EI analysis shows a very strong correlation between voting for the charter amendment and against Proposition 11.

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72. The sequence of events leading up to the adoption of the at-large system in 1946 likewise supports a finding of discriminatory intent. As Dr. Kousser detailed, in 1946, the Freeholders waffled between giving voters a choice of having

some district elections or just at-large elections, and ultimately chose to only present an at-large election option despite the recognition that district elections would be better for minority representation.

73. The substantive and procedural departures from the norm also support a finding of discriminatory intent. In 1946, the Freeholders' reversed course on offering to the voters a hybrid system (some district, and some at-large, elected council seats) in the wake of discussion of minority representation, and, after a series of votes the local newspaper called "unexpected," offered the voters only the option of at-large elections.

74. The legislative and administrative history in 1946 is difficult to discern. There appears to have been no report of the Freeholders' discussions, but the statements by proponents and opponents of the charter amendment demonstrate that all understood that at-large elections would diminish minorities' influence on elections.

75. After winning a FVRA case ending at-large elections in Watsonville in 1989, Joaquin Avila (later principally involved in drafting the CVRA) and other attorneys began to file and threaten to file lawsuits challenging at-large elections throughout California on the grounds that they discriminated against Latinos. The Santa Monica Citizens United to Reform

Elections (CURE) specifically noted the Watsonville case in urging the Santa Monica City Council to place the issue of substituting district for at-large elections on the ballot, allowing Santa Monica voters to decide the question. With the issue of at-large elections diluting minority vote receiving increased attention in Santa Monica and throughout California, Defendant appointed a 15-member Charter Review Commission to study the matter and make recommendations to the City Council. 76. As part of their investigation, the Charter Review Commission sought the analysis of Plaintiff's expert, Dr. Kousser, who had just completed his work in Garza regarding discriminatory intent in the way Los Angeles County's 13 supervisorial districts had been drawn. Dr. Kousser was asked 14 whether Santa Monica's at-large election system was adopted or 15 maintained for a discriminatory purpose, and Dr. Kousser 16 concluded that it was, for all of the reasons discussed above. 17 18 Based on their extensive study and investigations, the near-19 unanimous Charter Review Commission recommended that Defendant's 20 at-large election system be eliminated. The principal reason 21 for that recommendation was that the at-large system prevents 22 minorities and the minority-concentrated Pico Neighborhood from 23 having a seat at the table. 24

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That recommendation went to the City Council in July 1992, and was the subject of a public city council meeting. Excerpts

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from the video of that hours-long meeting were played at trial, and provide direct evidence of the intent of the then-members of Defendant's City Council. One speaker after another - members of the Charter Review Commission, the public, an attorney from the Mexican American Legal Defense and Education Fund, and even a former councilmember - urged Defendant's City Council to change its at-large election system. Many of the speakers specifically stressed that the at-large system discriminated against Latino voters and/or that courts might rule that they did in an appropriate case. Though the City Council understood well that the at-large system prevented racial minorities from achieving representation - that point was made by the Charter Review Commission's report and several speakers and was never challenged - the members refused by a 4-3 vote to allow the voters to change the system that had elected them. 78. Councilmember Dennis Zane explained his professed reasoning: in a district system, Santa Monica would no longer be able to place a disproportionate share of affordable housing into the minority-concentrated Pico Neighborhood, where, according to the unrefuted remarks at the July 1992 council meeting, the majority of the city's affordable housing was already located, because the Pico Neighborhood district's representative would oppose it. Mr. Zane's comments were candid and revealing. He specifically phrased the issue as one of

Latino representation versus affordable housing: "So you gain the representation but you lose the housing."12 While this professed rationale could be characterized as not demonstrating that Mr. Zane or his colleagues "harbored any ethnic or racial animus toward the . . . Hispanic community," it nonetheless reflects intentional discrimination-Mr. Zane understood that his action would harm Latinos' voting power, and he took that action to maintain the power of his political group to continue dumping affordable housing in the Latino-concentrated neighborhood despite their opposition. Garza, supra, 918 F.2d at 778 (J. Kozinski, concurring) (finding that incumbents preserving their power by drawing district lines that avoided a higher proportion of Latinos in one district was intentionally discriminatory despite the lack of any racial animus), cert. denied (1991) 111 S.Ct. 681.

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79. In addition to Mr. Zane's contemporaneous explanation of his own decisive vote, the Court also considers the circumstantial evidence of intent revealed by the <u>Arlington</u>
Heights factors. While those non-exhaustive factors do not each

¹² Mr. Zane's insistence on a tradeoff between Latino representation and policy goals that he believed would be more likely to be accomplished by an at-large council echoed comments of the Santa Monica Evening Outlook, the chief sponsor of and spokesman for the charter change to an at-large city council in 1946. "[G]roups such as organized labor and the colored people," the newspaper announced, should realize that "The interest of minorities is always best protected by a system which favors the election of liberal-minded persons who are not compelled to play peanut politics. Such liberal-minded persons, of high caliber, will run for office and be elected if elections are held at large."

reveal discrimination to the same extent, on balance, they also 1 2 militate in favor of finding discriminatory intent in this case. 3 The discriminatory impact of the at-large election system was 4 felt immediately after its maintenance in 1992. The first and 5 only Latino elected to the Santa Monica City Council lost his 6 re-election bid in 1994 in an election marred by racial appeals 7 - a notable anomaly in Santa Monica where election records 8 establish that incumbents lose very rarely. Bolden v. City of 9 Mobile (S.D. Ala. 1982) 542 F.Supp. 1050, 1076 (relying on the 10 lack of success of Black candidates over several decades to show 11 disparate impact, even without a showing that Black voters voted 12 for each of the particular Black candidates going back to 1874.) 13 Moreover, the impact on the minority-concentrated Pico 14 Neighborhood over the past 72 years, discussed above, also 15 demonstrates the discriminatory impact of the at-large election 16 17 system in this case, and has continued well past 1992. Gingles, 18 supra, 478 U.S. at 48, n. 14 (describing how at-large election 19 systems tend to cause elected officials to "ignore [minority] 20 interests without fear of political consequences.") 21 80. The historical background of the decision in 1992 also 22 militate in favor of finding a discriminatory intent. At-large 23 elections are well known to disadvantage minorities, and that 24 was well understood in Santa Monica in 1992. In 1992, the non-25

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White population was sufficiently compact (in the Pico

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Neighborhood) that Dr. Leo Estrada concluded that a council district could be drawn with a combined majority of Latino and African American residents. While the Santa Monica City Council of the late 1980s and early 1990s was sometimes supportive of policies and programs that benefited racial minorities, as pointed out by Defendant's expert, Dr. Lichtman, the members also supported a curfew that Santa Monica's lone Latino council member described as "institutional racism," as pointed out by Dr. Kousser, and they understood that district elections would undermine the slate politics that had facilitated the election of many of them. 81. The sequence of events leading up to the maintenance of the at-large system in 1992, likewise supports a finding of discriminatory intent. In 1992, the Charter Review Commission, and the CURE group before that, intertwined the issue of district elections with racial justice, and the connection was clear from the video of the July 1992 city council meeting, immediately prior to Defendant's city council voting to prevent Santa Monica voters from adopting district elections. 82. The substantive and procedural departures from the norm also support a finding of discriminatory intent. In 1992, the Charter Review Commission recommended scrapping the at-large election system, principally because of its deleterious effect

on minority representation. While Defendant's City Council

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adopted nearly all of the Charter Review Commission's recommendations, it refused to adopt any change to the at-large elections or even submit the issue to the voters.

83. Finally, as discussed above, the legislative and administrative history in 1992, specifically the Charter Review Commission report and the video of the July 1992 city council meeting, demonstrates a deliberate decision to maintain the existing at-large election structure because of, and not merely despite, the at-large system's impact on Santa Monica's minority population.

REMEDIES

84. Having found that Defendant's election system violates the CVRA and the Equal Protection Clause, the Court must implement a remedy to cure those violations. The CVRA specifies that the implementation of appropriate remedies is mandatory.

85. "Upon a finding of a violation of Section 14027 and Section 14028, the court shall implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy the violation." Elec. Code § 14029. The federal courts in FVRA cases have similarly and unequivocally held that once a violation is found, a remedy must be adopted. Williams v.

Texarkana, Ark. (8th Cir. 1994) 32 F.3d 1265, 1268 (Once a violation of the FVRA is found, "[i]f [the] appropriate

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must fashion a remedial plan"); Bone Shirt, supra, 387 F. Supp. 2d at 1038 (same); Reynolds v. Sims (1964) 377 U.S. 533, 585 ("[0]nce a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan.") Likewise, in regards to an Equal Protection violation implicating voting rights, "[t]he Supreme Court has established that official actions motivated by discriminatory intent 'have no legitimacy at all ' Thus, the proper remedy for a legal provision enacted with discriminatory intent is invalidation." McCrory, supra, 831 F.3d at 239 (surveying Supreme Court cases.) 86. Once liability is established under the CVRA, the Court has a broad range of remedies from which to choose. § 14029 ("Upon a finding of a violation of Section 14027 and Section 14028, the court shall implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy the violation."); Sanchez, supra, 145 Cal.App.4th at 670. The range of remedies from which the Court may choose is at least as broad as those remedies that have been adopted in FVRA cases. Jauregui, supra, 226 Cal.App.4th at 807 ("Thus, the Legislature intended to expand the protections against vote dilution provided by the federal Voting Rights Act of 1965. It

1 would be inconsistent with the evident legislative intent to 2 expand protections against vote dilution to narrowly limit the 3 scope of . . . relief as defendant asserts. Logically, the 4 appropriate remedies language in section 14029 extends to . . . orders of the type approved under the federal Voting Rights Act of 1965.") Thus, the range of remedies available to the Court includes not only the imposition of district-based elections per 8 § 14029, but also, for example, less common at-large remedies 9 imposed in FVRA cases such as cumulative voting, limited voting 10 and unstaggered elections. U.S. v. Village of Port Chester 11 (S.D.N.Y. 2010) 704 F.Supp.2d 411 (ordering cumulative voting 12 and unstaggering elections); U.S. v. City of Euclid (N.D. Ohio 13 2008) 580 F.Supp.2d 584 (ordering limited voting). The Court 14 may also order a special election. Neal v. Harris (4th Cir. 15 1987) 837 F.2d 632, 634 (affirming trial court's order requiring 16 17 a special election, during the terms of the members elected 18 under the at-large system, rather than awaiting the date of the 19 next regularly scheduled election, when their terms would have 20 expired.); Ketchum v. City Council of Chicago (N.D Ill. 1985) 21 630 F. Supp. 551, 564-566 (ordering special elections to replace 22 aldermen elected under a system that violated the FVRA); Bell v. 23 Southwell (5th. Cir. 1967) 376 F.2d 659, 665 (voiding an 24 unlawful election, prohibiting the winner of that unlawful 25 election from taking office, and ordering that a special

election be held promptly); Coalition for Education in District One v. Board of Elections (S.D.N.Y. 1974) 370 F. Supp. 42, 58. 3 aff'd (Znd Cir. 1974) 495 F.2d 1090; Tucker v. Burford (N.D. Miss. 1985) 603 F. Supp. 276, 279; Arbor Hill Concerned Citizens 5 Neighborhood Ass'n v. County of Albany (2d Cir. 2004) 357 F.3d 260, 262-263 (applauding the district court for ordering a special election.) Indeed, courts have even used their remedial authority to remove all members of a city council where necessary. Bell v. Southwell (5th Cir. 1967) 367 F.2d 659, 665; 10 Williams v. City of Texarkana (W.D. Ark. 1993) 861 F. Supp. 771, 11 aff'd (8th Cir. 1994) 32 F.3d 1265; Hellebust v. Brownback (10th 12 Cir. 1994) 42 F.3d 1331). 13 87. The broad remedial authority granted to the Court by 14 Section 14029 of the CVRA extends to remedies that are 15 16 inconsistent with a city charter, Jauregui at 794-804, and even 17 remedies that would otherwise be inconsistent with state laws 18 enacted prior to the CVRA. Id. at 804-808 (affirming the trial 19 court's injunction, pursuant to section 14029 of the CVRA, 20 prohibiting the City of Palmdale from certifying its at-large 21 election results despite that injunction being inconsistent with 22 Code of Civil Procedure section 526(b)(4) and Civil Code section 23 3423(d)). Likewise, because the California Constitution is 24 supreme over state statutes, any remedy for Defendant's 25 violation of the Equal Protection Clause is unimpeded by

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administrative state statutes. Am. Acad. of Pediatrics v. Lungren (1997) 16 Cal.4th 307 (invalidating a state statute because it impinged upon rights guaranteed by the California Constitution). Voting rights are the most fundamental in our democratic system; when those rights have been violated, the Court has the obligation to ensure that the remedy is up to the task. 88. Any remedial plan should fully remedy the violation. Dillard v. Crenshaw Cnty., Ala. (11th Cir. 1987) 831 F.2d 246, 250 ("The court should exercise its traditional equitable powers to fashion the relief so that it completely remedies the prior dilution of minority voting strength and fully provides equal opportunity for minority citizens to participate and to elect candidates of their choice. ... This Court cannot authorize an element of an election proposal that will not with certitude completely remedy the [] violation."); Harvell v. Blytheville Sch. Dist. No. 5 (8th Cir. 1997) 126 F.3d 1038, 1040 (affirming trial court's rejection of defendant's plan because it would not "completely remedy the violation"; LULAC Council No. 4836 v. Midland Indep. Sch. Dist. (W.D. Tex. 1986) 648 F.Supp. 596, 609; United States v. Osceola Cnty., Fla. (M.D. Fla. 2006) 474 F.Supp.2d 1254, 1256. The United States Supreme Court has

explained that the court's duty is to both remedy past harm and

prevent future violations of minority voting rights: "[T]he

1 court has not merely the power, but the duty, to render a decree 2 which will, so far as possible, eliminate the discriminatory 3 effects of the past as well as bar like discrimination in the 4 future." Louisiana v. United States (1965) 380 U.S. 145, 154; 5 Buchanan v. City of Jackson, Tenn., (W.D. Tenn. 1988) 683 F. Supp. 1537, 1541 (same, rejecting defendant's hybrid at-large 7 remedial plan.) 8 89. The remedy for a violation of the Equal Protection Clause 9 should likewise be prompt and complete. Courts have 10 consistently held that intentional racial discrimination is so 11 caustic to our system of government that once intentional 12 discrimination is shown, "the 'racial discrimination must be 13 eliminated root and branch'" by "a remedy that will fully 14 correct past wrongs." N. Carolina NAACP v. McCrory (4th Cir. 15 16 2016) 831 F.3d 204, 239, quoting Green v. Cty. Sch. Bd. (1968) 17 391 U.S. 430, 437-439, Smith v. Town of Clarkton (4th Cir. 1982) 18 682 F.2d 1055, 1068.) 19 90. It is also imperative that once a violation of voting 20 rights is found, remedies be implemented promptly, lest minority 21 residents continue to be deprived of their fair representation. 22 Williams v. City of Dallas (N.D. Tex. 1990) 734 F. Supp. 1317 23 ("In no way will this Court tell African-Americans and Hispanics 24 that they must wait any longer for their voting rights in the 25 City of Dallas.") (emphasis in original).

91. Though other remedies, such as cumulative voting, limited voting and ranked choice voting, are possible options in a CVRA action and would improve Latino voting power in Santa Monica, the Court finds that, given the local context in this case - including socioeconomic and electoral patterns, the voting experience of the local population, and the election administration practicalities present here - a district-based remedy is preferable. The choice of a district-based remedy is also consistent with the overwhelming majority of CVRA and FVRA cases.

92. At trial, only one district plan was presented to the Court - Trial Exhibit 261. That plan was developed by David Ely, following the criteria mandated by Section 21620 of the Elections Code, applicable to charter cities. The populations of the proposed districts are all within 10% of one another; areas with similar demographics (e.g. socio-economic status) are grouped together where possible and the historic neighborhoods of Santa Monica are intact to the extent possible; natural boundaries such as main roads and existing precinct boundaries are used to divide the districts where possible; and neither race nor the residences of incumbents was a predominant factor in drawing any of the districts.

93. Trial testimony revealed that jurisdictions that have switched from at-large elections to district elections as a

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result of CVRA cases have experienced a pronounced increase in minority electoral power, including Latino representation. Even in districts where the minority group is one-third or less of a district's electorate, minority candidates previously unsuccessful in at-large elections have won district elections. Florence Adams, Latinos and Local Representation: Changing Realities, Emerging Theories (2000), at 49-61.

94. The particular demographics and electoral experiences of

Santa Monica suggest that the seven-district plan would similarly result in the increased ability of the minority population to elect candidates of their choice or influence the outcomes of elections. Mr. Ely's analysis of various elections shows that the Latino candidates preferred by Latino voters perform much better in the Pico Neighborhood district of Mr. Ely's plan than they do in other parts of the city - while they lose citywide, they often receive the most votes in the Pico Neighborhood district. The Latino proportion of eligible voters is much greater in the Pico Neighborhood district than the city as a whole. In contrast to 13.64% of the citizen-voting-agepopulation in the city as a whole, Latinos comprise 30% of the citizen-voting-age-population in the Pico Neighborhood district. That portion of the population and citizen-voting-age-population falls squarely within the range the U.S. Supreme Court deems to be an influence district. Georgia v. Aschcroft (2003) 539 U.S.

461, 470-471, 482 (evaluating the impact of "influence districts," defined as districts with a minority electorate "of between 25% and 50%.") Testimony established that Latinos in the Pico Neighborhood are politically organized in a manner that would more likely translate to equitable electoral strength. Testimony also established that districts tend to reduce the campaign effects of wealth disparities between the majority and minority communities, which are pronounced in Santa Monica. 95. Though given the opportunity to do so, Defendant did not propose a remedy. The six-week trial of this case was not bifurcated between liability and remedies. Though Plaintiffs presented potential remedies at trial, Defendant did not propose any remedy at all in the event that the Court found in favor of Plaintiffs. On November 8, 2018, the Court gave Defendant another opportunity, ordering the parties to file briefs and attend a hearing on December 7, 2018 "regarding the appropriate/preferred remedy for violation of the [CVRA]."13

violation of the CVRA).

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The schedule set by this Court on November 8, 2018 is in line with what other courts have afforded defendants to propose a remedy following a determination that voting rights have been violated. Williams v. City of Texarkana (W.D. Ark. 1992) 861 F.Supp. 756, 767 (requiring the defendant to submit its proposed remedy 16 days after finding Texarkana's at-large elections violated the FVRA), aff'd (8th Cir. 1994) 32 F.3d 1265; Larios v. Cox (N.D. Ga. 2004) 300 F.Supp.2d 1320, 1356-1357 (requiring the Georgia legislature to propose a satisfactory apportionment plan and seek Section 5 preclearance from the U.S. Attorney General within 19 days); Jaurequi v. City of Palmdale, No. BC483039, 2013 WL 7018376 (Aug. 27, 2013) (scheduling remedies hearing for 24 days after the court mailed its decision finding a

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Still, Defendant did not propose a remedy, other than to say that it prefers the implementation of district-based elections over the less-common at-large remedies discussed at trial. Where a defendant fails to propose a remedy to a voting rights violation on the schedule directed by the court, the court must provide a remedy without the defendant's input. Williams v. City of Texarkana (8th Cir. 1994) 32 F.3d 1265, 1268 ("If [the] appropriate legislative body does not propose a remedy, the district court must fashion a remedial plan."); Bone Shirt v. Hazeltine (D.S.D. 2005) 387 F.Supp.2d 1035, 1038 (same). 96. Defendant argues that section 10010 of the Elections Code constrains the Court's ability to adopt a district plan without holding a series of public hearings. On the contrary, section 10010 speaks to what a political subdivision must do (e.g. a series of public hearings) in order to adopt district elections or propose a legislative plan remedy in a CVRA case, not what a court must do in completing its responsibility under section 14029 of the Elections Code to implement appropriate remedies tailored to remedy the violation. Defendant could have completed the process specified in section 10010 at any time in the course of this case, which has been pending for nearly 3 years. Even if Defendant had started the process of drawing districts only upon receiving this Court's November 8 Order (on November 13), it could have held the initial public meetings

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required by section 10010(a)(1) by November 19, and the additional public meetings the week of November 26, completing the process in advance of its November 30 remedies brief. To the Court's knowledge, even at the time of the present statement of decision, Defendant has failed to begin any remedial process of its own. 97. In order to eliminate the taint of the illegal at-large election system in this case, in a prompt and orderly manner, a special election for all seven council seats is appropriate. Other courts have similarly held that a special election is appropriate, where an election system is found to violate the FVRA. Neal, supra, 837 F.2d at 632-634 ("[o]nce it was determined that plaintiffs were entitled to relief under section 2, ... the timing of that relief was a matter within the discretion of the court."); Ketchum, supra, 630 F.Supp. at 564-566; Bell v. Southwell (5th. Cir. 1967) 376 F.2d 659, 665 (voiding an unlawful election, prohibiting the winner of that unlawful election from taking office, and ordering that a special election be held promptly); Coalition for Ed. in Dist. One v. Board of Elections of City of N.Y. (S.D.N.Y. 1974) 370 F.Supp. 42, 58, aff'd (2nd Cir. 1974) 495 F.2d 1090; Tucker v. Burford (N.D. Miss. 1985) 603 F.Supp. 276, 279; Arbor Hill Concerned Citizens v. Cnty. of Albany (2d Cir. 2004) 357 F.3d

260, 262-63 (applauding the district court for ordering a

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special election); Montes v. City of Yakima (E.D. Wash. 2015) 2015 WL 11120964, at p. 11, (explaining that a special election is often necessary to completely eliminate the stain of illegal elections). As the Second District Court of Appeal held in Jauregui, "the appropriate remedies language in section 14029 extends to [remedial] orders of the type approved under the federal Voting Rights Act of 1965," Jauregui, supra, 226 Cal.App.4th at 807, so the logic of the courts for ordering special elections in all of these cases is equally applicable in this case. 98. From the beginning of the nomination period to election day, takes a little less than four months. https://www.smvote.org/uploadedFiles/SMVote/2016(1)/Election%20C alendar website.pdf. Based on the path this Court has laid out, a final judgment in this case should be entered by no later than March 1, 2019. Therefore, a special election - a district-based election pursuant to the seven-district map, Tr. Ex. 261, for all seven city council positions should be held on July 2, 2019. The votes can be tabulated within 30 days of the election, and the winners can be seated on the Santa Monica City Council at its first meeting in August 2019, so nobody who has not been elected through a lawful election consistent with this decision may serve on the Santa Monica City Council past August 15, 2019.

Only in that way can the stain of the unlawful discriminatory

at-large election system be promptly erased.

CONCLUSION

99. Defendant's at-large election system violates both the CVRA and the Equal Protection Clause of the California Constitution.

100. Accordingly, the Court orders that, from the date of judgment, Defendant is prohibited from imposing its at-large election system, and must implement district-based elections for its city council in accordance with the seven-district map presented at trial. Tr. Ex. 261.

CLERK TO GIVE WRITTEN NOTICE.

IT IS SO ORDERED.

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DATED: February 13, 2019

VETTE M. PALAZUELOS UDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 9

BC616804 PICO NEIGHBORHOOD ASSOCIATION ET AL VS CITY OF SANTA MONICA

February 13, 2019 2:10 PM

Judge: Honorable Yvette M. Palazuelos CSR: None Judicial Assistant: Neli Raya ERM: None

Courtroom Assistant: M. Tavakoli Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances
For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: NOTICE OF ENTRY OF JUDGMENT; STATEMENT OF DECISION IS ENTERED

The Judgment is signed and filed this date.

The Statement of Decision is signed and filed this date.

The Court issues additional orders signed and filed this date and incorporated herein by reference to the case docket.

Counsel are ordered to pick up their trial and exhibit binders "after" August 13, 2019.

Non-Appearance Case Review re pick up trial and exhibits binders is scheduled for 08/13/19 at 10:00 AM in Department 9 at Spring Street Courthouse.

The Clerk shall give notice. Counsel for plaintiff shall give notice to all others not listed.

Certificate of Mailing is attached.

Reserved for Clerk's File Stamp SUPERIOR COURT OF CALIFORNIA **COUNTY OF LOS ANGELES FILED** COURTHOUSE ADDRESS: Superior Court of California Spring Street Courthouse County of Los Angeles 312 North Spring Street, Los Angeles, CA 90012 02/13/2019 PLAINTIFF/PETITIONER: Sherri R. Carter, Executive Officer / Clerk of Court Pico Neighborhood Association et al Neli Raya Deputy DEFENDANT/RESPONDENT: Santa Monica, City of, California et al CASE NUMBER: **CERTIFICATE OF MAILING** BC616804

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order, Judgment; Statement of Decision; additional orders upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

George Sargent Cardona Santa Monica City Atty's Office 1685 Main Street, 3rd Floor Room 310 Santa Monica, CA 90401Milton Charles Grimes Law Offices of Milton C. Grimes 3774 W 54th St Los Angeles, CA 90043-

Marcellus Antonio McRae Gibson Dunn & Cruthcher LLP 333 S Grand Ave Ste 4400 Los Angeles, CA 90071-3197 R. Rex Parris Parris Law Firm 43364 10th St W Lancaster, CA 93534-

Robert Rubin Law Office of Robert Rubin 131 Steuart St Ste 300 San Francisco, CA 94105Kevin Isaac Shenkman Shenkman & Hughes 28905 Wight Rd Malibu, CA 90265-

L. Carlos Villegas FAGEN FRIEDMAN & FULFROST LLP 6300 Wilshire Blvd., Suite 1700 Los Angeles, CA 90048-

Sherri R. Carter, Executive Officer / Clerk of Court

By: Neli Raya
Deputy Clerk

Dated: 02/13/2019

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY (LEAVE BLANK IF NOTICE IS BY CLERK OF THE COURT) R. Rex Parris, Esq. PARRIS LAW FIRM 43364 10th Street West, LANCASTER, CA 93534 ph: (661) 949-2595 fax: (661) 949-7524 e-mail: rrex@parris.com ATTORNEY FOR (Name): Pico Neighborhood Association, et al. SUPERIOR COURT OF CALIFORNIA, COUNTY OF LO COURTHOUSE ADDRESS: 312 North Spring Street Los Angeles 90012 PLAINTIFF: Pico Neighborhood Association, et al. DEFENDANT: City of Santa Monica	96567 STATE BAR NUMBER 96567 SANGELES	CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles MAR 2 9 2019 Sherri R. Carter, Executive Officer/Clerk of Court By: Steven Drew, Deputy
NOTICE OF ENTRY OF: JUDGMENT OTHER ORDER	DISMISSAL	CASE NUMBER: BC616804 SSC-9
Judgment in the above-entitled matter, ente Order of Dismissal in the above-entitled matter Order	atter, filed on (da	
 I, (typed or printed name) Marci Cussimonio ☐ declare under penalty of perjury under the laws of the the State Bar of California; ☐ declare under penalty of perjury under the laws of the (check one) ☐ employed in / ☐ a resident of Los An over the age of 18 years, and not a party to the cause (check one) ☐ business / ☐ residence address is as 	State of Californi State of Californi geles County (where e within; that my	a that I am an active member of
and that on the date shown below I served the notice of enentered herein, by depositing true copies thereof in sealed United States Mail Service located at LANCASTER (city) addressed to the parties named below:		
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L X Additional names and addresses on attached sheet.	L	Г
Dated: March 28, 2019 Signed:	, –	nture of declarant)
Typed or printed nam	e of declarant: Marci	Cussimonio

R. Rex Parris, Esq.		AR NUMBER	Reserved for Clerk's File Stamp
PARRIS LAW FIRM	96567		
43364 10th Street West, LANCASTER, CA 93534	(661) 949-7524		
e-mail: rrex@parris.com ATTORNEY FOR (Name): Pico Neighborhood Associatio	001) 277-1327		
SUPERIOR COURT OF CALIFORNIA, CO	DUNTY OF LOS ANGE	ELES	
COURTHOUSE ADDRESS: 312 North Spring Street Los Angeles 90012			
PLAINTIFF: Pico Neighborhood Association, et al.			
DEFENDANT: City of Santa Monica			
City of Santa Monica			
NOTICE OF ENTRY OF: X JUDGM	MENT DISM	ISSAL	CASE NUMBER
☐ OTHER	RORDER	I	3C616804
To the above named parties and to their	attorneys of record,	you are he	ereby given notice of entry of:
Judgment in the above-entitled	I matter, entered on	(date): <u>2/1</u> 3/	2019
Order of Dismissal in the above	/e-entitled matter_file	ed on (date	e):
			on (date):
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, (typed or printed name) Marci Cussimonio	,	do hereby	(check one):
declare under penalty of perjury under t	the laws of the State of	f California	that I am an active member of
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PROOF OF SERVICE 1013A(3) CCP Revised 5/I/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 43364 10th Street West, Lancaster, California 93534.

On March 28, 2019 I served the foregoing document described as **NOTICE OF ENTRY OF JUDGEMENT** as follows:

*** See Attached Service List ***

BY MAIL as follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U. S. postal service on that same day with postage thereon fully prepaid at Lancaster, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[] BY PERSONAL SERVICE as follows:

- [] I delivered such envelope by hand to the addressees at 111 North Hill Street, Los Angeles, CA 90012.
- []_ I caused the foregoing document described hereinabove to be personally delivered by hand by placing it in a sealed envelope or package addressed to the persons at the addresses listed on the attached service list and provided it to a professional messenger service whose name and business address is Team Legal, Inc., 40015 Sierra Highway, Suite B220, Palmdale, CA 93550.
- []__ I caused the foregoing document described hereinabove to be personally delivered by hand by placing it in a sealed envelope or package addressed to the persons at the addresses listed on the attached service list and provided it to a professional messenger service whose name and business address is First Legal Support Services,1511 West Beverly Blvd., Los Angeles, CA 90026.
- **BY FACSIMILE as follows:** I served such document(s) by fax at See Service List to the fax number provided by each of the parties in this litigation at Lancaster, California. I received a confirmation sheet indicating said fax was transmitted completely.
- BY GOLDEN STATE OVERNIGHT DELIVERY/OVERNIGHT MAIL as follows: I placed such envelope in a Golden State Overnight Delivery Mailer addressed to the above party or parties at the above address(es), with delivery fees fully pre-paid for next-business-day delivery, and delivered it to a Federal Express pick-up driver before 4:00 p.m. on the stated date.

1	[]	BY ELECTRONIC SERVICE as follows: Based on a court order, or an agreement of the parties to accept service by electronic transmission, I caused the
2		BY ELECTRONIC SERVICE as follows: Based on a court order, or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addressed listed on the attached Service List.
3		Executed on March 28, 2019, at Lancaster, California.
4	<u>X</u>	(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
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SERVICE LIST

Pico Neighborhood Association v. City of Santa Monica, California, et al.

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2 Attorneys for Defendant City of 3 Lane Dilg, Esq. Joseph Lawrence, Esq.
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Gibson, Dunn & Crutcher, LLP
333 South Grand Avenue
Los Angeles, CA 90071 10 11 12 Telephone: (213) 229-7000 13 Facsimile: (213) 229-7520 thenry@gibsondunn.com 14 kscolnick@gibsondunn.com 15 16 Kevin I. Shenkman, Esq. Mary R. Hughes, Esq. John L. Jones, II, Esq. Attorneys for Plaintiffs Pico Neighborhood Association, Maria 17 Loya and Advocates for Malibu SHENKMAN & HUGHES Public School 18 28905 Wight Road Malibu, California 90265 19 Telephone: (310) 457-0970 Shenkman@sbcglobal.net 20 21 Milton Grimes LAW OFFICES OF MILTON GRIMS 3774 West 54TH Street Attorneys for Plaintiffs Pico Neighborhood Association, Maria 22 Loya and Advocates for Malibu Los Angeles, CA 90043 Public School 23 miltgrim@aol.com Telephone: (323) 295-3023 24 Attorneys for Plaintiffs Pico Neighborhood Association, Maria Robert Rubin 25 LAW OFFICE OF ROBERT RUBIN 131 Steuart Street, Suite 300 Loya and Advocates for Malibu 26 San Francisco, CA 94105 Public School robertrubinsf@gmail.com 27 Telephone: (415) 625-8454



ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:96567	FOR COURT USE ONLY
NAME: R. Rex Parris, Esq. FIRM NAME: PARRIS LAW FIRM STREET ADDRESS: 43364 10th Street West CITY: LANCASTER TELEPHONE NO.: (661) 949-2595 E-MAIL ADDRESS: TREX@parris.com ATTORNEY FOR (name): Pico Neighborhood Ass	STATE: CA ZIP CODE: 93534 FAX NO.: (661) 949-7524 ociation, et al.	CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles
SUPERIOR COURT OF CALIFORNIA, COUN STREET ADDRESS: 312 North Spring Street MAILING ADDRESS: 312 North Spring Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Spring Street Courthouse	TY OF Superior Court of California, County of	MAR 2 9 2019 Sherri R. Carter, Executive Officer/Clerk of Co
PLAINTIFF:Pico Neighborhood Associa DEFENDANT:City of Santa Monica	tion, et al.	
MEMORANDUM C	PF COSTS (SUMMARY)	CASE NUMBER: BC616804
The following costs are requested:		TOTALS \$ 4,522.35

The following costs are requested: 1. Filing and motion fees	\$	TOTALS 4,522.35
2. Jury fees	\$	0.00
3. Jury food and lodging	\$	0.00
4. Deposition costs	\$	90,200.52
5. Service of process	\$	2,089.04
5. Attachment expenses	\$	0.00
7. Surety bond premiums	\$	0.00
3. Witness fees	\$	0.00
Court-ordered transcripts	\$	0.00
 Attorney fees (enter here if contractual or statutory fees are fixed without necessity of determination; otherwise a noticed motion is required) 	a court \$	0.00
Court reporter fees as established by statute	\$	54,008.77
2. Models, enlargements, and photocopies of exhibits	\$	8,256.25
3. Interpreter fees	\$	0.00
4. Fees for electronic filing or service	\$	0.00
5. Fees for hosting electronic documents	\$	0.00
6. Other	\$	742936.87
TOTAL COSTS	\$	902,013.80

I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

Date: Marc	h 28, 2019	
------------	------------	--

Kevin I. Shenkman, Esq. (TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:96567	FOR COURT USE ONLY
NAME: R. Rex Parris, Esq.		
FIRM NAME PARRIS LAW FIRM		
STREET ADDRESS 43364 10th Street West		
CITY LANCASTER	STATE: CA ZIP CODE 93534	
TELEPHONE NO. (661) 949-2595	fax no :(661) 949-7524	
E-MAIL ADDRESS: rrex@parris.com		
ATTORNEY FOR (name): Pico Neighborhood Associa	tion, et al.	
SUPERIOR COURT OF CALIFORNIA, COUNTY	F Superior Court of California, County of	
STREET ADDRESS 312 North Spring Street		
MAILING ADDRESS 312 North Spring Street		
CITY AND ZIP CODE: Los Angeles 90012		
BRANCH NAME Spring Street Courthouse		
PLAINTIFF:Pico Neighborhood Association	, et al.	
DEFENDANT:City of Santa Monica		
MEMORANDUM OF	COCTO (CLIBATA DA)	CASE NUMBER:
MEMORANDUM OF 0	COS 12 (SUIMINAKY)	BC616804

The following costs are requested:	TOTALS
Filing and motion fees	\$ 4,522.35
2. Jury fees	\$ 0.00
3. Jury food and lodging	\$ 0.00
4. Deposition costs	\$ 90,200.52
5. Service of process	\$ 2,089.04
6. Attachment expenses	\$ 0.00
7. Surety bond premiums	\$ 0.00
8. Witness fees	\$ 0.00
Court-ordered transcripts	\$ 0.00
 Attorney fees (enter here if contractual or statutory fees are fixed without necessity of a court determination; otherwise a noticed motion is required) 	\$ 0.00
11. Court reporter fees as established by statute	\$ 54,008.77
12. Models, enlargements, and photocopies of exhibits	\$ 8,256.25
13. Interpreter fees	\$ 0.00
14. Fees for electronic filing or service	\$ 0.00
15. Fees for hosting electronic documents	\$ 0.00
16. Other	\$ 742936.87
TOTAL COSTS	\$ 902,013.80

I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

Date: March 2	3, 2019
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Kevin I. Shenkman, Esq.

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE OF DECLARANT)

Page 1 of 2

	HORT T					CASE N	IMPED.		MC-011
1		ighborhood Association, e	t al.			BC6168			
			MEMORANI	DUM OF COSTS	(WORK	SHEET)			
1.	Filing	and motion fees							
			Paper filed			Filing fee			
	a				_ \$ _		_		
	b				_ \$ _		_		
	С.				\$		_		
	d.				\$				
	e.				_		_		
	f.				_		_		
	_	x Information about add	ditional filing and mo			chment 1g.	_		
			Ŭ			3	TOTAL 1.	\$	4,522.35
2.	Jury 1	fees						<u>. </u>	.,022.00
		<u>Date</u>		ee & mileage					
	a		\$						
	b		\$						
	c		\$						
	d.		\$						
	e. [Information about ad	ditional jury fees is o	ontained in Attachi	ment 2e.				
							TOTAL 2.	\$	
3.	Juror	r food: \$	and lodging: \$		_		TOTAL 3.	\$	
4.	Depo	sition costs							
		Name of deponent	<u>Taking</u>	Transcribing	<u>Tra</u>	<u>avel</u> <u>Vi</u>	deotaping		<u>Subtotals</u>
	a		\$	\$	\$	\$		(
	b		\$	\$	\$	\$		9	
	c		\$	\$	\$	\$ _	_	Ş	S
	d.		\$	\$	\$	\$		Ş	\$

x Information about additional deposition costs is contained in Attachment 4e.

TOTAL 4. \$

90,200.52

RЛ	_	n	1	1
М	L -	u	1	1

Se	ervice of process				I			
a.	Name of person served	Public officer	Registere process	<u> P</u>	ublication		Other (spe	ecify)
b.		\$	_					
		\$ \$	_ Ψ \$	——				
c. d.	x Information about addition		_ ·		ned in Attach			
			, , , , , , , , , ,			TOTAL	5 <u>(</u>	
Λ+	tachment expenses (specify):					TOTAL	_ 5.	2,089.
Αι	наспіпені ехрепзез (<i>specily).</i>						υ. [φ	
Su	urety bond premiums (itemize bo	nds and amounts	s):				7. \$	
Su	urety bond premiums <i>(itemize bo</i>	nds and amounts	s):				7. [\$	
Su	urety bond premiums (itemize bo	nds and amounts	s):				7. \$	
Su	urety bond premiums <i>(itemize bo</i>	nds and amounts	s):				7. \$	
Su	urety bond premiums <i>(itemize bo</i>	nds and amounts	s):				7. \$	
	urety bond premiums <i>(itemize bo</i>	nds and amounts	s):				7. \$	
	Ordinary witness fees Name of witness	ss	Daily fee			•	7. \$	Total
	Ordinary witness fees	ss	Daily fee			•	7. \$	Total
	Ordinary witness fees Name of witness	SS	Daily fee days at	\$/day	miles at	¢/mile:	\$	
	Ordinary witness fees Name of witnes (1)	ss	Daily fee days at days at	\$/day \$/day	miles at	¢/mile: ¢/mile:	\$	
	Ordinary witness fees Name of witness (1) (2)	ss	Daily fee days at days at days at	\$/day \$/day \$/day	miles at	¢/mile: ¢/mile: ¢/mile:	\$ \$	
	Ordinary witness fees Name of witnes (1) (2) (3)	SS	Daily fee days at days at days at days at	\$/day _\$/day _\$/day _\$/day	miles at miles at miles at miles at	¢/mile: ¢/mile: ¢/mile: ¢/mile:	\$ \$ \$	
	Ordinary witness fees Name of witness (1) (2) (3) (4)	SS	Daily fee days at days at days at days at days at	\$/day \$/day \$/day \$/day \$/day	miles at miles at miles at miles at miles at miles at	¢/mile:¢/mile:¢/mile:¢/mile:¢/mile:	\$ \$ \$	Total

SI	HORT TITLE		CASE NUMBER:		
 8.	b. Expert fees (per Code of Civil Procedure section 9	008)			
ο.	. "	•			
	Name of witness	Fee hours at \$	/hr	¢	
	(1)			Φ	
	(2)	hours at \$	/hr 	3	
	(3)	hours at \$	/hr	\$	
	(4)	hours at \$	/hr	\$	
	(5) x Information about additional expert fees	is contained in Attachment 8	0(5).		
	Count and and annual force		SUBTOTA	L 8b.\$	613,875.26
	c. Court-ordered expert fees	F			
	Name of witness	Fee hours at \$	/1	<u> </u>	
	(1)		/hr _{/1}	Φ	
	(2)	hours at \$	/hr	\$	
	(3) Information about additional court-order	ed expert fees is contained in			
			SUBTOTA	AL 8c. \$	
			TOTAL (8a, 8b, &	8c) 8. \$	
9.	Court-ordered transcripts (specify):			9. \$	
				40 0	
10.	Attorney fees (enter here if contractual or statutory feed determination; otherwise a noticed motion is required):	s are fixed without necessity	of a court	10. \$	
	Models, enlargements, and photocopies of exhibits	(4)		11. [\$	8,256.25
12.	Court reporter fees (as established by statute)	Fees: \$			
	a. (Name of reporter):				
	b. (Name of reporter):			. 12. [\$	54,008.77
	c. x Information about additional court-reporter fe	ees is contained in Attachmer	IT 12C.		
13.	Interpreter fees				
	a. Fees of a certified or registered interpreter for the	deposition of a party or witnes	SS		
	(Name of interpreter):	Fees: \$			
	(Name of interpreter):	Fees: \$	_		
	b. Fees for a qualified court interpreter authorized by person represented by a qualified legal services person represented by the person r	the court for an indigent roject or a pro bono attorney			
	(Name of interpreter):(Name of interpreter):	Fees: \$	_		
	(Name of interpreter):	Fees: \$	TOTAL	. 13. [\$	
	c. Information about additional court-reporter fe	ees is contained in Attachmer	t 13c.		
14.	Fees for electronic filing or service of documents the (enter here if required or ordered by the court):	nrough an electronic filing s	ervice provider	14. [\$	
15.	Fees for hosting electronic documents through an of if required or ordered by the court):	electronic filing service pro	vider (enter here	15. \$	
16.				16. \$	129,061.61
				\$	
10	TAL COSTS			Ψ	902,013.77
	(Additional informati	on may be supplied on the re	verse)		<u> </u>

MEMORANDUM OF COSTS (WORKSHEET) (Continued)

Attachment 1g

(Filing and motion fees)

<u>Date</u>	Paper Filed	Cost
04/12/2016	Summons and Complaint	\$435.00
04/12/2016	Messenger	\$70.00
04/13/2016	Messenger	\$50.00
07/21/2016	Messenger	\$70.00
07/25/2016	Case Management Statement (Express Network)	\$34.95
01/10/2017	Messenger	\$70.00
01/20/2017	Order Re Discovery Referee (Express Network)	\$34.95
02/23/2017	Messenger	\$70.00
05/09/2017	Messenger	\$70.00
08/15/2017	First Appearance Fee to Court of Appeals (Express Network)	\$424.95
09/25/2017	Answer to Petition for Review (Truefiling)	\$10.50
09/25/2017	Proof of Service (TrueFiling)	\$10.50
09/25/2017	Compendium of Exhibits (Truefiling)	\$10.50
09/28/2017	Corrected Answer to Petition (Truefiling)	\$10.50
09/28/2017	Corrected Compendium of Exhibits (Truefiling)	\$10.50
09/28/2017	Application for Relief from Default and request for extension to file corrected Compendium of Exhibits	\$7.50
10/18/2017	Notice of Ruling (Express Network)	\$34.95
03/29/2018	Messenger	\$70.00
04/03/2018	EPA to Enter Order Consistent of Referee Ruling	\$60.00
04/20/2018	Response to COSM Objection and Declaration of Kevin Shenkman (Express Network)	\$177.75
05/02/2018	Messenger	\$70.00
05/11/2018	Motion fee	\$60.00
05/31/2018	Messenger	\$70.00
06/08/2018	Messenger	\$70.00
07/09/2018	Motion fees	\$120.00
07/12/2018	Messenger	\$70.00
07/16/2018	Opposition to Motions in Limine (Express Network)	\$208.50
07/24/2018	Messenger	\$70.00
07/26/2018	Exhibit List, Witness List (Express Network)	\$42.50
07/30/2018	Trial Brief (Express Network)	\$120.00
07/31/2018	Request for Judicial Notice (Express Network)	\$535.50
08/14/2018	Declaration in Support of Motion to Strike Defendant's Answer; Or in the Alternative, to Preclude Defendants from Presenting any Evidence to Rebut Racially Polarized Voting (Express Network)	\$96.25
09/13/2018	Responsive Briefing Regarding Dr. Lichtman's Testimony Opinions (Express Network)	\$340.25
09/25/2018	Messenger	\$70.00
10/25/2018	Messenger	\$70.00
11/13/2018	Obtain Copies of 11/8/18 Order and Minute Order (USA Legal Network)	\$59.40
11/14/2018	Stipulation and Order (USA Legal Network)	\$66.40
11/14/2018	Messenger	\$70.00

Page **5** of **38**

SHORT TITLE: Pico Neighborhood Association, et al. v. City of Santa Monica	CASE NUMBER: BC616804

11/19/2018	Declaration of Kevin Shenkman; Declaration of Justin Levitt; Opening Brief (USA Legal Network)	\$53.90
11/19/2018	Messenger	\$70.00
11/26/2018	Response to Defendant's Objection and Request for Statement of Decision (USA Legal Network)	\$39.00
11/27/2018	Motion fee	\$60.00
12/04/2018	messenger	\$70.00
01/02/2019	Motion fee and e-filing fee	\$73.40
01/03/2019	Proposed Judgment; Proposed Statement of Decision (Express Network)	\$123.70
01/25/2019	Messenger	\$70.00
03/21/2018	Motion to Strike, Opposition to Writ, Compendium of Exhibits (True Filing)	\$21.00
TOTAL		\$4522.35

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Attachment 4e

(Deposition Costs)

Name of Deponent	Taking	Reporter	Videotape	Synch	Expert Depo Fee	<u>Subtotals</u>
Antonio Vasquez (Vol. 1)		\$1,391.70	\$671.25	\$54.77	\$0.00	\$2,117.72
Terrence O'Day (Vol. 1)		\$1,522.30	\$647.50	\$193.81	\$0.00	\$2,363.61
Gleam Davis (Vol. 1)		\$1,104.00	\$528.75	\$37.96	\$0.00	\$1,670.71
Antonio Vazquez (Vol. 2)		\$1,321.25	\$505.00	\$50.77	\$0.00	\$1,877.02
Kevin McKeown		\$1,359.85	\$576.25	\$50.37	\$0.00	\$1,986.47
Sue Himmelrich		\$782.55	\$300.00	\$63.33	\$0.00	\$1145.88
Pam O'Connor (Vol. 1)		\$328.85	\$285.00	\$9.37	\$0.00	\$623.22
Ted Winterer		\$1,550.35	\$680.00	\$148.80	\$0.00	\$2,379.15
Rick Cole		\$1,586.40	\$790.00	\$177.61	\$0.00	\$2,554.01
Pam O'Connor (Vol. 2)		\$2,572.55	\$727.50	\$157.08	\$0.00	\$3,457.13
Gleam Davis (Vol. 2)		\$892.55	\$410.00	\$80.87	\$0.00	\$1383.42
Antonio Vazquez (Non-Appearance)		\$250.00	\$285.00	\$0.00	\$0.00	\$535.00
Antonio Vazquez (Non-Appearance)		\$0.00	\$380.00	\$0.00	\$0.00	\$380.00
Maria Leon-Vazquez		\$1,256.85	\$647.00	\$110.78	\$0.00	\$2,014.63
Jeffrey B. Lewis		\$2,570.01	\$671.25	\$142.55	\$1,925.00	\$5,308.81
Peter A. Morrison, Ph.D.		\$2,821.34	\$1,066.25	\$437.18	\$2,800.00	\$7,124.77
Allan Lichtman, Ph.D.		\$2,609.10	\$742.50	\$279.81	\$3,187.50	\$6,818.91
Maria Leon-Vazquez		\$275.00	\$0.00	\$0.00	\$0.00	\$275.00
Terrence O'Day (Vol. 2)		\$1,541.77	\$490.00	\$55.65	\$0.00	\$2,087.42
Antonio Vazquez (Vol. 3)		\$4,373.10	\$1,722.25	\$311.08	\$0.00	\$6,406.43
Oscar DeLaTorre (PMQ – Vol. 1)		\$1,979.15	\$597.50	\$66.47	\$0.00	\$2,643.12

Page 7 of 38

Name of Deponent	Taking	Reporter	Videotape	Synch	Expert Depo Fee	Subtotals
Oscar DeLaTorre (PMQ – Vol. 2)		\$1,440.35	\$241.25	\$0.00	\$0.00	\$1,681.60
Oscar DeLaTorre		\$2,856.55	\$630.00	\$0.00	\$0.00	\$3,486.55
Margaret Quinones- Perez (Non- Appearance)		\$275.00	\$285.00	\$0.00	\$0.00	\$560.00
Margaret Quinones- Perez		\$4,084.54	\$1,284.50	\$0.00	\$0.00	\$5,369.04
Maria Loya		\$2,454.05	\$560.00	\$0.00	\$0.00	\$3,014.05
Gina de Baca		\$1,332.15	\$290.00	\$0.00	\$0.00	\$1,622.15
Jeffery Blake		\$1,100.55	\$347.50	\$0.00	\$0.00	\$1,448.05
Morgan Kousser (Vol. 1)		\$2,681.95	\$481.25	\$0.00	\$0.00	\$3,163.20
Morgan Kousser (Vol. 2)		\$2,971.20	\$545.00	\$0.00	\$0.00	\$3,516.20
Jonathan Brown		\$1,305.70	\$502.50	\$0.00	\$0.00	\$1,808.20
Justine Levitt		\$4,479.25	\$651.25	\$0.00	\$0.00	\$5,130.50
David Ely		\$1,368.80	\$502.50	\$0.00	\$0.00	\$1,871.30
Berenice Onofre		\$0.00	\$268.75	\$0.00	\$0.00	\$268.75
Christopher McLeod		\$1,712.25	\$396.25	\$0.00	\$0.00	\$2,108.50
TOTAL		\$60,151.01	\$19,708.7 5	\$2428.2 6	\$7,912.50	\$90,200.52

Page **8** of **38**

Attachment 5d

(Service of Process)

<u>Date</u>	Name of Person Served	Paper Served	Cost of Service
02/09/2018	Maria Leon-Vasquez	Deposition Subpoena	\$71.00
03/01/2018	Maria Leon-Vasquez	Deposition Subpoena	\$691.47
05/01/2018	Margaret Quinones-Perez	Deposition Subpoena	\$541.12
05/18/2018	Antonio Sanchez	Deposition Subpoena	\$92.00
05/25/2018	Ron Miller	Deposition Subpoena	\$92.00
06/01/2018	Susan Y. Cola, Esq.	Supplemental Demand for Production of Documents; Supplemental Interrogatory	\$106.00
06/01/2018	Gibson, Dunn & Crutcher	Supplemental Demand for Production of Documents; Supplemental Interrogatory	\$106.00
06/25/2018	Gibson, Dunn & Crutcher	Plaintiffs' Objection to Notice of Taking Deposition of Jeff Blake and Demand for Production of Documents	\$85.45
07/19/2018	Steve Duron	Plaintiffs' Notice to Appear at Trial	\$106.00
07/21/2018	Craig Foster	Notice to Appear at Trial	\$106.00
07/22/2018	Susan Y. Cola, Esq.	Plaintiffs' Notices to Appear at (all council members)	\$92.00
07/22/2018	Gibson, Dunn & Crutcher	Plaintiffs' Notices to Appear at (all council members)	\$92.00
08/30/2018	Karin MacDonald	Trial Subpoena	\$106.00
TOTAL			\$2,089.04

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MEMORANDUM OF COSTS (WORKSHEET – ATTACHMENTS)

Attachment 12c

(Court Reporter/Transcript Fees)

<u>Date</u>	Proceeding	Name of Reporter	<u>Fees</u>
2/3/2017	Hearing on Defendant's Motion for	Veritext	\$46.00
	Judgment on the Pleadings		\$40.00
06/14/2018	Hearing on all pending motions	Veritext	\$62.30
08/01/2018	Trial Transcript	Veritext	\$1,268.67
08/02/2018	Trial Transcript	Veritext	\$1,899.37
08/03/2018	Trial Transcript	Veritext	\$2,120.46
08/06/2018	Trial Transcript	Veritext	\$2,180.65
08/07/2018	Trial Transcript	Veritext	\$1,888.27
08/08/2018	Trial Transcript	Veritext	\$1,935.26
08/09/2018	Trial Transcript	Veritext	\$1,810.25
08/10/2018	Trial Transcript	Veritext	\$1,888.96
08/13/2018	Trial Transcript	Veritext	\$2,088.05
08/15/2018	Trial Transcript	Veritext	\$2,041.75
08/16/2018	Trial Transcript	Veritext	\$1,958.41
08/17/2018	Trial Transcript	Veritext	\$1,976.93
08/20/2018	Trial Transcript	Veritext	\$2,013.23
08/21/2018	Trial Transcript	Veritext	\$2,058.79
08/22/2018	Trial Transcript	Veritext	\$2,245.47
08/23/2018	Trial Transcript	Veritext	\$2,115.83
08/24/2018	Trial Transcript	Veritext	\$1,986.19
08/28/2018	Trial Transcript	Veritext	\$2,138.98
08/29/2018	Trial Transcript	Veritext	\$1,796.36
08/30/2018	Trial Transcript	Veritext	\$2,176.02
08/31/2018	Trial Transcript	Veritext	\$2,176.02
09/04/2018	Trial Transcript	Veritext	\$2,369.74
09/05/2018	Trial Transcript	Veritext	\$2,263.99
09/06/2018	Trial Transcript	Veritext	\$2,268.62
09/10/2018	Trial Transcript	Veritext	\$2,234.73
09/11/2018	Trial Transcript	Veritext	\$2,374.37
09/13/2018	Trial Transcript	Veritext	\$625.10
TOTAL			\$54,008.77

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<u>Attachment 11(a)</u> Models/Enlargements/Photocopies of Exhibits

<u>Company</u>	<u>Date</u>	Cost
Summitt Reprographics (Exhibit Binders)	07/30/2018	\$5,104.89
Summitt Reprographics (Printing / Delivery to Dept. 28)	08/12/2018	\$448.14
Summitt Reprographics (Printing / Delivery to Dept. 28)	08/14/2018	\$458.06
Summitt Reprographics (Printing / Delivery to Dept. 28)	08/29/2018	\$1,123.31
Summitt Reprographics (Printing / Delivery to Dept. 28)	09/12/2018	\$799.91
Summitt Reprographics (Printing / Delivery to Dept. 28)	09/25/2018	\$321.94
TOTAL		\$8,256.25

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MEMORANDUM OF COSTS (WORKSHEET) (Continued)

Attachment 16(a) Other Trial Technician/Trial Equipment

<u>Vendor</u>	Date(s)	Cost	
Team Legal (Trial	07/30/2018-08/10/2018	\$16,189.76	
Technician/Equipment Rental)	07/30/2010 00/10/2010	\$10,107.70	
Team Legal (Trial	08/11/2018 - 08/17/2018	\$4,849.50	
Technician/Equipment Rental)	06/11/2016 - 06/17/2016	ψτ,0τ2.30	
Team Legal (Trial	08/18/2018 - 08/31/2018	\$11,146.24	
Technician/Equipment Rental)	08/18/2018 - 08/31/2018	φ11,140.24	
Team Legal (Trial	09/01/2018 - 09/07/2018	\$3,465.00	
Technician/Equipment Rental)	03/01/2018 - 03/07/2018	\$3,403.00	
Team Legal (Trial	09/08/2018 - 09/13/2018	\$3,406.50	
Technician/Equipment Rental)	09/08/2018 - 09/13/2018	\$5,400.50	
Tech Smith	07/28/2018	\$49.95	
Aquipt, Inc. (Trial Equipment			
Rental	09/01/2018 - 09/30/2018	\$1,916.23	
Aquipt, Inc. (Trial Equipment			
Rental)	08/01/2018 - 08/31/2018	\$636.85	
SUBTOTAL		\$41,660.03	

Attachment 8b(5) (Expert Fees)

<u>Expert</u>	Cost
Political Data, Inc.	\$132.76
David Ely	\$97,350.00
Morgan Kousser	\$394,712.50
Justin Levitt	\$91,430.00
Jonathan Brown	\$30,250.00
TOTAL	\$613,875.26

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MEMORANDUM OF COSTS (WORKSHEET) (Continued)

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Attachment 16(a)
Other
Copies

Company	Record	<u>Date</u>	Cost
Los Angeles Superior Court	Minute Order	06/07/2017	\$2.00
Los Angeles Superior Court	Rulings / Orders	06/07/2017	\$13.40
LA Best Color Imaging (Scanning/OCR/FTP Upload)	Maria Loya – Further Production	08/21/2018	\$487.71
Parris Law Firm copy charges	In house copy charges		\$3,115.25
Shenkman & Hughes copying, printing and postage			\$2,843.20
SUBTOTAL			\$6,461.56

Attachment 16(a) Other Fed Ex / Golden State Overnight Delivery

<u>Date</u>	Company	Cost
11/22/2016	Golden State Overnight	\$13.88
08/22/2017	Golden State Overnight	\$25.01
08/22/2017	Golden State Overnight	\$25.01
08/22/2017	Golden State Overnight	\$25.01
08/22/2017	Golden State Overnight	\$14.19
08/22/2017	Golden State Overnight	\$14.19
09/12/2017	Golden State Overnight	\$20.92
10/11/2017	Golden State Overnight	\$21.15
10/11/2017	Golden State Overnight	\$21.07
10/24/2017	Golden State Overnight	\$14.94
01/24/2018	Golden State Overnight	\$21.62
01/24/2018	Golden State Overnight	\$30.72
02/07/2018	Golden State Overnight	\$22.37
02/07/2018	Golden State Overnight	\$15.18
03/21/2018	Golden State Overnight	\$21.67
03/22/2018	Federal Express	\$8.00

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04/10/2018	Federal Express	\$7.65
04/10/2018	Federal Express	\$7.65
05/22/2018	Golden State Overnight	\$15.29
05/22/2018	Golden State Overnight	\$15.29
06/19/2019	Federal Express	\$19.09
06/19/2018	Federal Express	\$21.66
06/25/2018	Golden State Overnight	\$27.12
06/25/2018	Golden State Overnight	\$27.12
06/25/2018	Golden State Overnight	\$27.12
06/25/2018	Golden State Overnight	\$15.39
06/25/2018	Golden State Overnight	\$15.39
07/23/2018	Golden State Overnight	\$27.18
07/23/2018	Golden State Overnight	\$15.43
08/07/2018	Golden State Overnight	\$25.09
08/07/2018	Golden State Overnight	\$25.09
08/07/2018	Golden State Overnight	\$15.43
08/07/2018	Golden State Overnight	\$15.43
08/07/2018	Golden State Overnight	\$15.43
08/07/2018	Golden State Overnight	\$21.97
08/07/2018	Golden State Overnight	\$15.43
SUBTOTAL		\$690.18

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MEMORANDUM OF COSTS (WORKSHEET) (Continued)

Attachment 16(a) Other Lodging

<u>Date</u>	<u>Description</u>	Cost
09/20/2016	Best Western (Robert Rubin - Deposition)	\$268.38
06/05/2018	Miyako Hotel (Robert Rubin – Hearing)	\$196.67
07/12/2018 - 07/14/2018	Miyako Hotel (Robert Rubin – Trial)	\$483.60
08/01/2018 - 08/03/2018	Miyako Hotel (Robert Rubin – Trial)	\$508.01
08/06/2018 - 08/10/2018	Miyako Hotel (Robert Rubin – Trial)	\$990.35
08/10/2018 - 08/12/2018	Miyako Hotel (Robert Rubin – Trial)	\$576.14
08/14/2018 - 08/17/2018	Miyako Hotel (Robert Rubin – Trial)	\$817.95
08/19/2018-08/24/2018	Miyako Hotel (Robert Rubin – Trial)	\$1,298.73
08/27/2018 - 08/31/2018	Miyako Hotel (Robert Rubin – Trial)	\$1,052.34
09/05/2018 - 09/06/2018	Miyako Hotel (Robert Rubin – Trial)	\$207.09
7/31/18-8/2/18	Omni Hotel - Room - (R. Rex Parris)	\$1,421.85
7/31/18-8/2/18	Omni Hotel - Room - (Ellery Gordon)	\$1,421.85
7/31/18-8/2/18	Omni Hotel - Parking - (Ellery Gordon)	\$147.00
7/31/18-8/2/18	OMNI Hotel – Room - (Marci Cussimonio)	\$1,421.85
8/5/18-8/10/18	Omni Hotel - Room - (Ellery Gordon)	\$1,732.45
8/5/18-8/10/18	Omni Hotel - Room - (R. Rex Parris)	\$3,464.90
8/5/18-8/10/18	Omni Hotel - Room - (Marci Cussimonio)	\$1,732.45
8/12/18-8/13/18	Omni Hotel - Room - (R. Rex Parris)	\$346.49
8/15/18-8/17/18	Omni Hotel - Room - (Marci Cussimonio)	\$692.98
8/15/18-8/17/18	Omni Hotel - Room - (R. Rex Parris)	\$692.98
8/15/18-8/17/18	Omni Hotel - Room - (Ellery Gordon)	\$692.98
8/19/18	Omni Hotel - Room - (Marci Cussimonio)	\$346.49
8/19/18	Omni Hotel - Room - (Ellery Gordon)	\$346.49
8/21/18 - 8/22/18	Omni Hotel - Room – (Rutger Parris)	\$346.49
8/20/18-8/21/18	Omni Hotel - Room - (R. Rex Parris)	\$692.98
8/23/18-8/24/18	Omni Hotel - Room - (Rutger Parris)	\$346.49
8/23/18-8/24/18	Omni Hotel - Room - (R. Rex Parris)	\$346.49
8/20/18-8/24/18	Omni Hotel- Room - (Ellery Gordon)	\$1,385.96
8/20/18-8/23/18	Omni Hotel - Room - (Marci Cussimonio)	\$1,385.96
8/28/18-8/29/18	Omni Hotel - Room - (Ellery Gordon)	\$692.98
9/4/18-9/6/18	Omni Hotel - Room - (R. Rex Parris)	\$785.68
9/4/18-9/6/18	Omni Hotel - Room - (Rutger Parris)	\$785.68
9/4/18-9/5/18	Omni Hotel - Room - (Ellery Gordon)	\$785.68

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MEMORANDUM OF COSTS (WORKSHEET) (Continued)

<u>Date</u>	<u>Description</u>	Cost
9/4/18-9/5/18	Omni Hotel – Room - (Ellery Gordon)	\$284.89
8/5/18-8/10/18	Omni Hotel - Internet - (Ellery Gordon)	\$39.80
8/15/18-8/17/18	Omni Hotel - Internet - (Ellery Gordon)	\$19.90
8/19/18	Omni Hotel – Internet - (Ellery Gordon)	\$9.95
9/4/18-9/5/18	Omni Hotel - Internet - (Ellery Gordon)	\$9.95
9/5/18-9/6/18	Omni Hotel - Room - (Marci Cussimonio)	\$785.68
9/4/18-9/6/18	Omni Hotel - Internet - (Rutger Parris)	\$9.95
9/10/18-9/11/18	Omni Hotel - Room - (R. Rex Parris)	\$346.49
SUBTOTAL		\$29,921.02

Attachment 16(a) Other Meals

<u>Date</u>	Cost
9/9/2015	\$33.89
10/16/2015	\$48.97
10/30/2015	\$22.57
11/3/2015	\$83.08
11/4/2015	\$81.98
1/4/2016	\$58.05
8/9/2016	\$12.21
09/20/2016	\$10.85
10/10/2016	\$29.05
10/27/2016	\$83.40
11/30/2016	\$35.00
12/23/2016	\$34.70
01/19/2017	\$82.90
02/01/2017	\$57.17
03/14/2017	\$112.43
03/24/2017	\$121.80
04/06/2017	\$24.07
05/18/2017	\$24.00
06/08/2017	\$50.00
07/21/2017	\$19.70
07/25/2017	\$66.37
07/28/2017	\$51.92

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08/14/2017	\$23.60
08/18/2017	\$103.52
08/25/2017	\$61.02
09/30/2017	\$53.68
10/27/2017	\$45.91
10/30/2017	\$104.20
12/02/2017	\$20.00
01/02/2018	\$32.38
01/06/2018	\$8.50
02/03/2018	\$18.05
02/09/2018	\$2.74
02/09/2018	\$12.53
02/13/2018	\$7.43
02/16/2018	\$56.14
02/26/2018	\$17.17
03/12/2018	\$17.17
03/31/2018	\$16.17
04/06/2018	\$18.94
04/30/2018	\$42.00
05/09/2018	\$12.24
05/10/2018	\$12.24
05/11/2018	\$43.10
06/07/2018	\$24.00
06/14/2018	\$36.00
06/14/2018	\$11.26
06/29/2018	\$23.49
07/05/2018	\$53.29
07/13/2018	\$32.00
07/12/2018	\$23.00
07/28/2018	\$260.00
07/12/2018 - 07/14/2018	\$483.60
08/02/2018	\$19.33
08/09/2018	\$23.00
08/10/2018	\$23.00
08/11/2018	\$33.50
08/14/2018 - 08/17/2018	\$59.49
08/20/2018 - 08/23/2018	\$121.31
08/27/2018 - 08/31/2018	\$62.00
09/05/2018 - 09/06/2018	\$23.00

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SUBTOTAL	\$7455.38
01/08/2019	\$18.88
11/27/2018	\$173.19
10/15/2018	\$32.88
10/11/2018	\$34.57
9/4/18-9/6/18	\$141.10
9/4/18-9/6/18	\$14.12
9/10/18-9/11/18	\$7.06
8/15/2018	\$210.00
8/13/2018	\$210.00
8/08/2018	\$227.00
8/07/2018	\$305.00
09/04/2018	\$260.00
8/21/2018	\$130.00
8/21/2018	\$6.80
8/20/18-8/23/18	\$74.16
8/20/18-8/23/18	\$337.08
8/24/18	\$7.06
8/20/18-8/22/18	\$202.39
8/15/18-8/17/18	\$85.62
8/15/18-8/17/18	\$94.06
8/15/18-8/17/18	\$84.56
8/12/18-8/13/18	\$8.71
8/5/18-8/10/18	\$260.69
8/5/18-8/10/18	\$232.33
8/5/18-8/10/18	\$53.72
8/3/2018	\$103.70
08/01/2018	\$45.41
7/31/18-8/2/18	\$27.82
7/31/18-8/2/18	\$125.00
08/22/2018	\$77.76
08/22/2018	\$133.95
08/27/2018	\$218.61
08/18/2018	\$88.46
08/18/2018	\$71.32
08/10/2018	\$106.79
08/10/2018	\$61.47

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MEMORANDUM OF COSTS (WORKSHEET) (Continued)

Attachment 16(a) Other Mileage/Parking/Transportation

<u>Date</u>	Attorney	Cost	Mileage	<u>Parking</u>
10/02/2015	Milton Grimes	\$0.00	\$12.76	\$0.00
08/03/2016	Milton Grimes	\$0.00	\$12.76	\$0.00
04/24/2017	Milton Grimes	\$0.00	\$11.60	\$20.00
05/24/2017	Milton Grimes	\$0.00	\$11.60	\$20.00
08/25/2017	Milton Grimes	\$0.00	\$11.60	\$20.00
09/18/2017	Milton Grimes	\$0.00	\$11.60	\$20.00
10/09/2017	Milton Grimes	\$0.00	\$11.60	\$20.00
01/22/2018	Milton Grimes	\$0.00	\$11.60	\$20.00
02/02/2018	Milton Grimes	\$0.00	\$11.60	\$20.00
02/06/2018	Milton Grimes	\$0.00	\$11.60	\$20.00
02/16/2018	Milton Grimes	\$0.00	\$24.94	\$0.00
03/10/2018	Milton Grimes	\$0.00	\$46.40	\$0.00
03/15/2018	Milton Grimes	\$0.00	\$24.94	\$0.00
05/11/2018	Milton Grimes	\$0.00	\$11.60	\$0.00
05/20/2018	Milton Grimes	\$0.00	\$12.76	\$0.00
05/23/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
05/29/2018	Milton Grimes	\$0.00	\$84.68	\$0.00
05/31/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
06/07/2018	Milton Grimes	\$0.00	\$11.60	\$0.00
06/14/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
06/28/2018	Milton Grimes	\$0.00	\$11.60	\$20.00
06/29/2018	Milton Grimes	\$0.00	\$84.68	\$0.00
07/09/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
07/12/2018	Milton Grimes	\$0.00	\$11.60	\$30.00
07/14/2018	Milton Grimes	\$0.00	\$11.60	\$0.00
07/18/2018	Milton Grimes	\$0.00	\$11.60	\$20.00
07/29/2018	Milton Grimes	\$0.00	\$12.76	\$0.00
08/01/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/02/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/03/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/06/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/07/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/08/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/09/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/10/2018	Milton Grimes	\$0.00	\$11.60	\$18.00

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MEMORANDUM OF COSTS (WORKSHEET) (Continued)

<u>Date</u>	Attorney	Cost	Mileage	Parking
08/13/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/15/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/16/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/17/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/20/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/21/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/22/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/23/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/24/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/27/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/28/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/29/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/30/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
08/31/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
09/04/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
09/05/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
09/06/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
09/07/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
09/10/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
09/11/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
09/12/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
09/13/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
12/07/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
12/19/2018	Milton Grimes	\$0.00	\$11.60	\$18.00
01/02/2019	Milton Grimes	\$0.00	\$11.60	\$18.00
05/15/2018	Ellery Gordon	\$0.00	\$55.05	\$16.00
02/16/18	Wesley Ouchi	\$0.00	\$50.46	\$0.00
02/19/18	Wesley Ouchi	\$0.00	\$31.09	\$0.00
02/28/18	Wesley Ouchi	\$0.00	\$31.09	\$0.00
03/06/18	Wesley Ouchi	\$0.00	\$20.42	\$0.00
03/07/18	Wesley Ouchi	\$0.00	\$31.09	\$0.00
03/08/18	Wesley Ouchi	\$0.00	\$20.42	\$0.00
03/16/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
03/17/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
03/18/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
03/19/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
03/20/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
03/21/2018	Wesley Ouchi	\$0.00	\$31.09	\$0.00

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<u>Date</u>	Attorney	Cost	Mileage	Parking
03/22/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
03/23/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
03/26/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
03/27/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
03/28/2018	Wesley Ouchi	\$0.00	\$31.09	\$0.00
03/29/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
03/30/2018	Wesley Ouchi	\$0.00	\$100.98	\$0.00
05/11/2018	Wesley Ouchi	\$0.00	\$31.32	\$0.00
06/14/2018	Wesley Ouchi	\$0.00	\$31.32	\$0.00
06/25/2018	Wesley Ouchi	\$0.00	\$31.32	\$0.00
06/27/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
07/11/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
07/12/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
07/14/2018	Wesley Ouchi	\$0.00	\$20.42	\$0.00
07/22/2018	Wesley Ouchi	\$0.00	\$31.32	\$0.00
07/29/2018	Wesley Ouchi	\$0.00	\$31.32	\$0.00
08/01/2018	Wesley Ouchi	\$0.00	\$15.89	\$12.00
08/02/2018	Wesley Ouchi	\$0.00	\$15.89	\$12.00
08/03/2018	Wesley Ouchi	\$0.00	\$15.89	\$12.00
08/06/2018	Wesley Ouchi	\$0.00	\$15.89	\$12.00
08/07/2018	Wesley Ouchi	\$0.00	\$15.89	\$12.00
08/08/2018	Wesley Ouchi	\$0.00	\$15.89	\$12.00
08/09/2018	Wesley Ouchi	\$0.00	\$15.89	\$12.00
08/13/2018	Wesley Ouchi	\$0.00	\$15.89	\$12.00
08/15/2018	Wesley Ouchi	\$0.00	\$15.89	\$12.00
08/20/2018	Wesley Ouchi	\$0.00	\$15.89	\$12.00
08/21/2018	Wesley Ouchi	\$0.00	\$15.89	\$12.00
08/22/2018	Wesley Ouchi	\$0.00	\$15.89	\$12.00
08/23/2018	Wesley Ouchi	\$0.00	\$15.89	\$12.00
09/06/2018	Wesley Ouchi	\$0.00	\$31.32	\$0.00
09/21/2016	Southwest Airlines (Robert Rubin – Deposition)	\$225.98	\$0.00	\$0.00
09/21/2016	Avis Car Rental (Robert Rubin – Deposition)	\$173.27	\$0.00	\$0.00
08/28/2018	Rex Parris	\$0.00	\$0.00	\$6.00
09/20/2018	Rex Parris	\$0.00	\$0.00	\$25.00
7/31/18- 8/2/18	Marci Cussimonio	\$0.00	\$0.00	\$147.00
8/5/18-	Marci Cussimonio	\$0.00	\$0.00	\$245.00

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<u>Date</u>	Attorney	Cost	Mileage	Parking
8/10/18				
8/15/18- 8/17/18	Ellery Gordon	\$0.00	\$0.00	\$49.00
8/15/18- 8/17/18	Marci Cussimonio	\$0.00	\$0.00	\$98.00
8/20/18- 8/23/18	Marci Cussimonio	\$0.00	\$0.00	\$196.00
8/20/18 - 8/23/18	Ellery Gordon	\$0.00	\$0.00	\$196.00
8/28/18- 8/29/18	Ellery Gordon	\$0.00	\$0.00	\$98.00
9/4/18-9/5/18	Ellery Gordon	\$0.00	\$0.00	\$98.00
8/5/18- 8/10/18	Ellery Gordon	\$0.00	\$0.00	\$245.00
9/4/18-9/6/18	Marci Cussimonio	\$0.00	\$0.00	\$49.00
08/1/2018	Alaska Airlines (Robert Rubin – Hearing)	\$51.20	\$0.00	\$0.00
08/1/2018	LA Taxi (Robert Rubin – Hearing)	\$80.00	\$0.00	\$0.00
08/03/2018	American Airlines (Robert Rubin – Hearing)	\$119.20	\$0.00	\$0.00
08/17/2018	Southwest Airlines (Robert Rubin – Trial)	\$312.98	\$0.00	\$0.00
8/21/2018	Southwest Airlines (Robert Rubin – Trial)	\$318.96	\$0.00	\$0.00
8/31/2018	Southwest Airlines (Robert Rubin – Trial)	\$178.98	\$0.00	\$0.00
9/5/2018	Southwest Airlines (Robert Rubin – Trial)	\$224.98	\$0.00	\$0.00
9/6/2018	Southwest Airlines (Robert Rubin – Trial)	\$124.00	\$0.00	\$0.00
05/24/2017	Robert Parris	\$0.00	\$68.04	\$15.00
08/15/2018	Rex Parris	\$0.00	\$76.30	\$0.00
08/17/2018	Intern	\$0.00	\$76.30	\$0.00
09/25/2017	Jonathan Douglass	\$0.00	\$75.21	\$43.25
02/16/2018	Robert Parris	\$0.00	\$62.13	\$18.45
03/15/2018	Robert Parris	\$0.00	\$70.85	\$18.45
04/03/2018	Ellery Gordon	\$0.00	\$54.50	\$16.00
04/11/2018	Ellery Gordon	\$0.00	\$55.59	\$16.00
05/09/2018	Ellery Gordon	\$0.00	\$55.05	\$49.50
05/11/2018	Ellery Gordon	\$0.00	\$55.05	\$16.00
06/06/2018	Ellery Gordon	\$0.00	\$55.05	\$16.00
06/14/2018	Rex Parris	\$0.00	\$80.66	\$12.00
06/14/2018	Ellery Gordon	\$0.00	\$55.05	\$16.00
06/20/2018	Ellery Gordon	\$0.00	\$37.06	\$16.00
06/26/2018	Ellery Gordon	\$0.00	\$37.06	\$18.00
06/29/2018	Ellery Gordon	\$0.00	\$37.06	\$16.00

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Date	Attorney	Cost	Mileage	Parking
07/19/2018	Ellery Gordon	\$0.00	\$42.51	\$16.00
07/19/2018	Rex Parris	\$0.00	\$76.30	\$39.60
07/22/2018	Ellery Gordon	\$0.00	\$37.06	\$0.00
07/22/2018	Rex Parris	\$0.00	\$78.48	\$0.00
07/29/2018	Ellery Gordon	\$0.00	\$37.06	\$0.00
07/31/2018	Ellery Gordon(\$0.00	\$21.26	\$0.00
07/31/2018	Intern	\$0.00	\$81.75	\$0.00
08/01/2018	Marci Cussimonio	\$0.00	\$75.21	\$18.00
08/03/2018	Ellery Gordon	\$0.00	\$21.26	\$0.00
08/05/2018	Rex Parris	\$0.00	\$76.30	\$0.00
08/06/2018	Ellery Gordon	\$0.00	\$21.26	\$0.00
08/06/2018	Marci Cussimonio	\$0.00	\$75.21	\$18.00
08/10/2018	Ellery Gordon	\$0.00	\$21.26	\$0.00
08/10/2018	Intern	\$0.00	\$80.12	\$0.00
08/12/2018	Rex Parris	\$0.00	\$99.14	\$0.00
08/13/2018	Ellery Gordon	\$0.00	\$42.51	\$16.00
08/13/2018	Marci Cussimonio	\$0.00	\$75.21	\$18.00
08/15/2018	Ellery Gordon	\$0.00	\$21.26	\$0.00
08/17/2018	Ellery Gordon	\$0.00	\$21.26	\$0.00
08/20/2018	Ellery Gordon	\$0.00	\$21.26	\$0.00
08/20/2018	Intern	\$0.00	\$76.30	\$0.00
08/20/2018	Marci Cussimonio	\$0.00	\$75.21	\$18.00
08/22/2018	Rex Parris	\$0.00	\$76.30	\$0.00
08/23/2018	Rex Parris	\$0.00	\$81.75	\$0.00
08/24/2018	Ellery Gordon	\$0.00	\$21.26	\$0.00
08/24/2018	Uber for Witness Berenice Onofre to Stanley Mosk to Testify	\$28.80	\$0.00	\$0.00
08/24/2018	Intern	\$0.00	\$76.30	\$0.00
08/27/2018	Marci Cussimonio	\$0.00	\$75.21	\$18.00
08/28/2018	Ellery Gordon	\$0.00	\$21.26	\$0.00
08/30/2018	Ellery Gordon	\$0.00	\$21.26	\$0.00
09/04/2018	Intern	\$0.00	\$76.30	\$0.00
09/04/2018	Ellery Gordon	\$0.00	\$21.26	\$0.00
09/04/2018	Rex Parris	\$0.00	\$75.05	\$0.00
09/05/2018/	Marci Cussimonio	\$0.00	\$75.21	\$18.00
09/10/2018	Intern	\$0.00	\$76.30	\$0.00
09/10/2018	Ellery Gordon	\$0.00	\$42.51	\$16.00
09/10/2018	Marci Cussimonio	\$0.00	\$75.21	\$18.00

<u>Date</u>	Attorney	Cost	Mileage	<u>Parking</u>
09/11/2018	Ellery Gordon	\$0.00	\$42.51	\$16.00
09/11/2018	Intern	\$0.00	\$80.12	\$0.00
09/11/2018	Marci Cussimonio	\$0.00	\$75.21	\$18.00
09/12/2018	Intern	\$0.00	\$76.30	\$0.00
09/13/2018	Marci Cussimonio	\$0.00	\$75.21	\$18.00
12/07/2018	Ellery Gordon	\$0.00	\$43.60	\$16.00
12/07/2018	Rex Parris	\$252.23	\$0.00	\$0.00
12/07/2018	Rex Parris	\$245.02	\$0.00	\$0.00
6/30/15	Kevin Shenkman	\$0.00	\$25.71	\$0.00
7/7/15	Mary Hughes	\$0.00	\$61.17	\$0.00
7/10/15	Mary Hughes	\$0.00	\$67.24	\$0.00
7/13/15	Mary Hughes	\$0.00	\$61.17	\$0.00
7/14/15	Mary Hughes	\$0.00	\$61.17	\$0.00
7/27/15	Mary Hughes	\$0.00	\$67.24	\$0.00
7/29/15	Mary Hughes	\$0.00	\$61.17	\$0.00
8/3/15	Mary Hughes	\$0.00	\$61.17	\$0.00
8/5/15	Mary Hughes	\$0.00	\$61.17	\$0.00
8/13/15	Mary Hughes	\$0.00	\$67.24	\$0.00
9/4/15	Kevin Shenkman	\$0.00	\$25.71	\$0.00
9/9/15	Kevin Shenkman	\$0.00	\$28.59	\$0.00
9/14/15	Kevin Shenkman	\$0.00	\$25.71	\$0.00
9/29/15	Kevin Shenkman	\$0.00	\$25.71	\$0.00
10/15/15	Kevin Shenkman	\$0.00	\$25.71	\$0.00
10/16/15	Kevin Shenkman	\$0.00	\$21.66	\$0.00
10/30/15	Kevin Shenkman	\$0.00	\$25.71	\$0.00
11/3/15	Kevin Shenkman	\$0.00	\$25.71	\$0.00
11/17/15	Kevin Shenkman	\$0.00	\$25.71	\$0.00
12/15/15	Kevin Shenkman	\$0.00	\$25.71	\$0.00
1/4/16	Kevin Shenkman	\$0.00	\$25.59	\$0.00
1/12/16	Kevin Shenkman	\$0.00	\$25.71	\$10.00
1/13/16	Mary Hughes	\$0.00	\$61.17	\$0.00
1/15/16	Mary Hughes	\$0.00	\$67.24	\$0.00
1/19/16	Mary Hughes	\$0.00	\$61.17	\$0.00
1/26/16	Mary Hughes	\$0.00	\$67.24	\$0.00
1/28/16	Mary Hughes	\$0.00	\$61.17	\$0.00
1/29/16	Mary Hughes	\$0.00	\$61.17	\$0.00
2/5/16	Mary Hughes	\$0.00	\$61.17	\$0.00

MEMORANDUM OF COSTS (WORKSHEET) (Continued)

<u>Date</u>	Attorney	Cost	Mileage	<u>Parking</u>
2/8/16	Mary Hughes	\$0.00	\$67.24	\$0.00
2/18/16	Mary Hughes	\$0.00	\$61.17	\$0.00
2/23/16	Mary Hughes	\$0.00	\$67.24	\$0.00
2/24/16	Mary Hughes	\$0.00	\$61.17	\$0.00
2/25/16	Mary Hughes	\$0.00	\$61.17	\$0.00
3/7/16	Mary Hughes	\$0.00	\$67.24	\$0.00
5/11/16	Kevin Shenkman	\$0.00	\$14.28	\$0.00
5/12/16	Kevin Shenkman	\$0.00	\$25.71	\$0.00
6/3/16	Kevin Shenkman	\$0.00	\$25.71	\$0.00
7/1/16	Kevin Shenkman	\$0.00	\$25.71	\$0.00
8/9/16	Kevin Shenkman	\$0.00	\$32.61	\$0.00
8/10/16	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/11/16	Kevin Shenkman	\$0.00	\$25.71	\$0.00
9/2/16	Kevin Shenkman	\$0.00	\$25.71	\$0.00
9/20/16	Kevin Shenkman	\$0.00	\$104.36	\$0.00
10/6/16	Kevin Shenkman	\$0.00	\$104.36	\$0.00
10/16/16	Kevin Shenkman	\$0.00	\$104.36	\$0.00
10/20/16	Kevin Shenkman	\$0.00	\$25.71	\$0.00
11/1/16	Kevin Shenkman	\$0.00	\$38.08	\$18.00
11/2/16	Kevin Shenkman	\$0.00	\$32.61	\$0.00
11/15/16	Kevin Shenkman	\$0.00	\$25.71	\$0.00
11/29/16	Kevin Shenkman	\$0.00	\$38.08	\$18.00
11/30/16	Kevin Shenkman	\$0.00	\$43.79	\$0.00
12/13/16	Kevin Shenkman	\$0.00	\$25.71	\$1.00
12/14/16	Kevin Shenkman	\$0.00	\$25.71	\$1.00
12/16/16	Kevin Shenkman	\$0.00	\$104.36	\$0.00
12/19/16	Kevin Shenkman	\$0.00	\$25.71	\$0.00
1/10/17	Mary Hughes	\$0.00	\$25.71	\$0.00
1/11/17	Mary Hughes	\$0.00	\$25.71	\$0.00
1/12/17	Mary Hughes	\$0.00	\$25.71	\$0.00
1/13/17	Kevin Shenkman	\$0.00	\$25.71	\$0.00
1/19/17	Kevin Shenkman	\$0.00	\$25.71	\$0.00
2/1/17	Kevin Shenkman	\$0.00	\$25.71	\$0.00
2/3/17	Kevin Shenkman	\$0.00	\$38.08	\$18.00
2/24/17	Kevin Shenkman	\$0.00	\$25.71	\$0.00
3/6/17	Kevin Shenkman	\$0.00	\$25.71	\$0.00
3/13/17	Kevin Shenkman	\$0.00	\$25.71	\$0.00

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<u>Date</u>	<u>Attorney</u>	Cost	<u>Mileage</u>	Parking
3/14/17	Kevin Shenkman	\$0.00	\$34.03	\$0.00
4/13/17	Kevin Shenkman	\$0.00	\$38.08	\$0.00
5/24/17	Kevin Shenkman	\$0.00	\$46.17	\$32.00
5/30/17	Kevin Shenkman	\$0.00	\$32.61	\$0.00
6/2/17	Kevin Shenkman	\$0.00	\$38.08	\$18.00
6/5/17	Kevin Shenkman	\$0.00	\$25.71	\$0.00
6/6/17	Kevin Shenkman	\$0.00	\$25.71	\$0.00
6/7/17	Kevin Shenkman	\$0.00	\$38.08	\$18.00
6/9/17	Kevin Shenkman	\$0.00	\$67.24	\$0.00
6/9/17	Andrea Alarcon	\$0.00	\$67.24	\$0.00
6/12/17	Kevin Shenkman	\$0.00	\$38.08	\$18.00
6/21/17	Kevin Shenkman	\$0.00	\$38.08	\$18.00
7/6/17	Kevin Shenkman	\$0.00	\$25.71	\$0.00
7/25/17	Kevin Shenkman	\$0.00	\$67.24	\$0.00
7/25/17	Andrea Alarcon	\$0.00	\$67.24	\$0.00
7/28/17	Kevin Shenkman	\$0.00	\$32.61	\$0.00
8/11/17	Kevin Shenkman	\$0.00	\$104.36	\$0.00
8/14/17	Kevin Shenkman	\$0.00	\$25.71	\$0.00
8/18/17	Kevin Shenkman	\$0.00	\$138.04	\$0.00
8/24/17	Kevin Shenkman	\$0.00	\$16.07	\$0.00
8/25/17	Kevin Shenkman	\$0.00	\$38.08	\$18.00
9/18/17	Kevin Shenkman	\$0.00	\$38.08	\$18.00
9/25/17	Kevin Shenkman	\$0.00	\$38.08	\$18.00
9/30/17	Kevin Shenkman	\$0.00	\$461.72	\$0.00
10/9/17	Kevin Shenkman	\$0.00	\$38.08	\$18.00
10/16/17	Mary Hughes	\$0.00	\$61.17	\$0.00
10/27/17	Kevin Shenkman	\$0.00	\$25.71	\$0.00
10/30/17	Kevin Shenkman	\$0.00	\$25.71	\$0.00
11/15/17	Andrea Alarcon	\$0.00	\$21.42	\$14.00
11/16/17	Kevin Shenkman	\$0.00	\$25.71	\$0.00
12/2/17	Kevin Shenkman	\$0.00	\$48.91	\$0.00
12/11/17	Andrea Alarcon	\$0.00	\$21.42	\$14.00
12/15/17	Andrea Alarcon	\$0.00	\$21.42	\$14.00
12/28/17	Andrea Alarcon	\$0.00	\$21.42	\$14.00
12/29/17	Andrea Alarcon	\$0.00	\$21.42	\$14.00
1/2/18	Kevin Shenkman	\$0.00	\$28.59	\$0.00
1/6/18	Kevin Shenkman	\$0.00	\$79.37	\$0.00

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<u>Date</u>	Attorney	Cost	Mileage	<u>Parking</u>
1/22/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
1/26/18	Kevin Shenkman	\$0.00	\$25.71	\$0.00
2/2/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
2/3/18	Kevin Shenkman	\$0.00	\$41.53	\$0.00
2/6/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
2/9/18	Kevin Shenkman	\$0.00	\$41.53	\$0.00
2/13/18	Kevin Shenkman	\$0.00	\$9.52	\$0.00
2/16/18	Kevin Shenkman	\$0.00	\$34.63	\$18.45
2/16/18	Andrea Alarcon	\$0.00	\$4.88	\$18.45
2/23/18	Kevin Shenkman	\$0.00	\$25.71	\$1.50
2/26/18	Kevin Shenkman	\$0.00	\$104.36	\$0.00
3/6/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
3/15/18	Kevin Shenkman	\$0.00	\$34.63	\$18.45
3/30/18	Kevin Shenkman	\$0.00	\$104.36	\$0.00
4/03/18	Kevin Shenkman	\$0.00	\$25.71	\$0.00
4/4/18	Mary Hughes	\$0.00	\$61.17	\$0.00
4/4/18	Andrea Alarcon	\$0.00	\$21.42	\$14.00
4/5/18	Mary Hughes	\$0.00	\$67.24	\$0.00
4/5/18	Andrea Alarcon	\$0.00	\$21.42	\$14.00
4/6/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
4/11/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
4/12/18	Andrea Alarcon	\$0.00	\$21.42	\$14.00
4/16/18	Kevin Shenkman	\$0.00	\$61.17	\$0.00
4/16/18	Andrea Alarcon	\$0.00	\$27.37	\$0.00
4/19/18	Mary Hughes	\$0.00	\$61.17	\$0.00
4/20/18	Mary Hughes	\$0.00	\$67.24	\$0.00
4/20/18	Andrea Alarcon	\$0.00	\$21.42	\$14.00
4/23/18	Kevin Shenkman	\$0.00	\$104.36	\$0.00
4/30/18	Kevin Shenkman	\$0.00	\$35.83	\$0.00
4/30/18	Andrea Alarcon	\$0.00	\$4.88	\$0.00
5/8/18	Mary Hughes	\$0.00	\$61.17	\$0.00
5/9/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
5/10/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
5/11/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
5/12/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
5/15/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00

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MEMORANDUM OF COSTS (WORKSHEET) (Continued)

<u>Date</u>	Attorney	Cost	Mileage	<u>Parking</u>
5/17/18	Mary Hughes	\$0.00	\$61.17	\$0.00
5/18/18	Andrea Alarcon	\$0.00	\$21.42	\$14.00
5/21/18	Andrea Alarcon	\$0.00	\$21.42	\$14.00
5/22/18	Mary Hughes	\$0.00	\$61.17	\$0.00
5/22/18	Andrea Alarcon	\$0.00	\$21.42	\$14.00
5/23/18	Andrea Alarcon	\$0.00	\$21.42	\$14.00
5/24/18	Andrea Alarcon	\$0.00	\$21.42	\$14.00
5/30/18	Kevin Shenkman	\$0.00	\$104.36	\$0.00
5/31/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
6/6/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
6/7/18	Kevin Shenkman	\$0.00	\$28.59	\$0.00
6/11/18	Kevin Shenkman	\$0.00	\$25.71	\$0.00
6/14/18	Kevin Shenkman	\$0.00	\$64.38	\$18.00
6/14/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
6/18/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
6/19/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
6/19/18	Andrea Alarcon	\$0.00	\$25.71	\$0.00
6/19/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
6/25/18	Kevin Shenkman	\$0.00	\$104.36	\$0.00
6/28/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
6/29/18	Kevin Shenkman	\$0.00	\$104.36	\$0.00
7/2/18	Kevin Shenkman	\$0.00	\$25.71	\$0.00
7/3/18	Kevin Shenkman	\$0.00	\$32.61	\$0.00
7/5/18	Kevin Shenkman	\$0.00	\$44.03	\$18.00
7/9/18	Kevin Shenkman	\$0.00	\$114.24	\$18.00
7/9/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
7/11/18	Kevin Shenkman	\$0.00	\$104.36	\$0.00
7/12/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
7/13/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
7/14/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
7/16/18	Kevin Shenkman	\$0.00	\$104.36	\$0.00
7/17/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
7/19/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
7/19/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
7/21/18	Kevin Shenkman	\$0.00	\$81.16	\$0.00
7/22/18	Kevin Shenkman	\$0.00	\$32.61	\$0.00
7/22/18	Andrea Alarcon	\$0.00	\$24.28	\$0.00

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MEMORANDUM OF COSTS (WORKSHEET) (Continued)

<u>Date</u>	<u>Attorney</u>	Cost	<u>Mileage</u>	<u>Parking</u>
7/23/18	Mary Hughes	\$0.00	\$61.17	\$0.00
7/24/18	Mary Hughes	\$0.00	\$61.17	\$0.00
7/25/18	Mary Hughes	\$0.00	\$61.17	\$0.00
7/25/18	Andrea Alarcon	\$0.00	\$21.42	\$14.00
7/27/18	Mary Hughes	\$0.00	\$61.17	\$0.00
7/28/18	Kevin Shenkman	\$0.00	\$32.61	\$0.00
7/28/18	Andrea Alarcon	\$0.00	\$24.28	\$0.00
7/30/18	Mary Hughes	\$0.00	\$61.17	\$0.00
8/1/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/1/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/2/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/2/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/3/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/3/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/6/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/6/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/7/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/7/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/8/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/8/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/9/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/9/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/10/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/10/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/13/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/13/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/15/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/15/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/16/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/16/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/17/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/17/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/20/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/20/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/21/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/21/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/22/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00

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MEMORANDUM OF COSTS (WORKSHEET) (Continued)

<u>Date</u>	<u>Attorney</u>	Cost	<u>Mileage</u>	<u>Parking</u>
8/22/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/23/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/23/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/24/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/24/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/28/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/28/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/29/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/29/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
8/30/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
8/30/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
9/4/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
9/4/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
9/5/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
9/5/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
9/6/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
9/6/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
9/10/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
9/10/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
9/11/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
9/11/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
9/13/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
9/13/18	Andrea Alarcon	\$0.00	\$22.85	\$18.00
9/25/18	Kevin Shenkman	\$0.00	\$38.08	\$18.00
10/15/18	Kevin Shenkman	\$0.00	\$28.59	\$0.00
10/30/18	Kevin Shenkman	\$0.00	\$25.71	\$0.00
11/27/18	Kevin Shenkman	\$0.00	\$25.71	\$0.00
11/27/18	Kevin Shenkman	\$0.00	\$38.08	\$20.00
11/27/18	Andrea Alarcon	\$0.00	\$22.85	\$20.00
12/3/18	Kevin Shenkman	\$0.00	\$25.71	\$0.00
12/7/18	Kevin Shenkman	\$0.00	\$38.08	\$20.00
12/7/18	Andrea Alarcon	\$0.00	\$22.85	\$20.00
12/19/18	Kevin Shenkman	\$0.00	\$38.08	\$20.00
12/19/18	Andrea Alarcon	\$0.00	\$38.08	\$20.00
1/2/19	Andrea Alarcon	\$0.00	\$38.08	\$20.00
1/2/19	Kevin Shenkman	\$0.00	\$38.08	\$20.00
1/3/19	Kevin Shenkman	\$0.00	\$38.08	\$20.00

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ı		
ı	SHORT TITLE: Pico Neighborhood Association, et al. v. City of Santa Monica	CASE NUMBER: BC616804

<u>Date</u>	Attorney	Cost	<u>Mileage</u>	<u>Parking</u>
1/7/19	Kevin Shenkman	\$0.00	\$25.71	\$0.00
1/8/19	Kevin Shenkman	\$0.00	\$25.71	\$0.00
1/12/19	Kevin Shenkman	\$0.00	\$25.71	\$0.00
2/1/19	Kevin Shenkman	\$0.00	\$25.71	\$0.00
2/21/19	Kevin Shenkman	\$0.00	\$25.71	\$0.00
3/4/19	Kevin Shenkman	\$0.00	\$38.08	\$20.00
3/4/18	Andrea Alarcon	\$0.00	\$22.85	\$20.00
SUBTOTAL		\$2335.60	\$16063.97	\$5293.10

Page **31** of **38**

CASE NUMBER: BC616804

MEMORANDUM OF COSTS (WORKSHEET) (Continued)

Attachment 16(a) Other

Postage Postage

Postage/ Copying	<u>Date</u>	Cost
USPS	05/16/2018	\$23.55
USPS	05/16/2018	\$13.50
USPS	05/16/2018	\$15.55
USPS	08/10/2018	\$11.10
SUBTOTAL		\$63.70

Attachment 16(a) Other

Research - Thompson West

Company	<u>Date</u>	Cost
Thomson West	10/26/2016	\$22.62
Thomson West	02/20/2017	\$4.78
Thomson West	05/18/2017	\$158.30
Thomson West	05/18/2017	\$22.61
Thomson West	08/17/2017	\$104.16
Thomson West	09/26/2017	\$189.15
Thomson West	09/26/2017	\$385.87
Thomson West	09/26/2017	\$2.52
Thomson West	09/26/2017	\$5.04
Thomson West	09/26/2017	\$98.36
Thomson West	10/18/2017	\$77.15
Thomson West	10/18/2017	\$191.72
Thomson West	10/18/2017	\$30.39
Thomson West	10/18/2017	\$16.37
Thomson West	10/18/2017	\$2.34
Thomson West	10/18/2017	\$30.39
Thomson West	10/18/2017	\$7.01
Thomson West	11/28/2017	\$5.82
Thomson West	11/28/2017	\$61.15

Page **32** of **38**

MEMORANDUM OF COSTS (WORKSHEET) (Continued)

Company	<u>Date</u>	Cost
Thomson West	12/20/2017	\$46.66
Thomson West	12/20/2017	\$69.99
Thomson West	12/20/2017	\$14.00
Thomson West	01/23/2018	\$398.55
Thomson West	02/23/2018	\$20.01
Thomson West	02/23/2018	\$108.87
Thomson West	03/27/2018	\$16.30
Thomson West	04/25/2018	\$5.14
Thomson West	04/25/2018	\$5.14
Thomson West	05/18/2018	\$189.33
Thomson West	06/14/2018	\$7.99
Thomson West	06/14/2018	\$115.83
Thomson West	06/14/2018	\$15.98
Thomson West	06/14/2018	\$83.88
Thomson West	06/14/2018	\$3.99
Thomson West	08/06/2018	\$120.39
Thomson West	08/06/2018	\$21.61
Thomson West	08/06/2018	\$268.57
Thomson West	08/06/2018	\$33.96
Thomson West	08/06/2018	\$160.52
Thomson West	08/06/2018	\$89.52
Thomson West	08/16/2018	\$4.99
Thomson West	08/16/2018	\$2.82
Thomson West	08/16/2018	\$0.22
Thomson West	08/28/2018	\$129.19
Thomson West	08/28/2018	\$350.65
Thomson West	08/28/2018	\$328.50
Thomson West	08/28/2018	\$3.69
Thomson West	08/28/2018	\$3.69
Thomson West	08/28/2018	\$188.24
Thomson West	08/28/2018	\$7.38
Thomson West	08/28/2018	\$18.46
Thomson West	09/26/2018	\$24.96
Thomson West	10/04/2018	\$802.01
Thomson West	10/04/2018	\$737.71
Thomson West	10/04/2018	\$23.69
Thomson West	10/04/2018	\$307.94
Thomson West	10/04/2018	\$40.61
Thomson West	10/25/2018	\$1,463.57
Thomson West	10/25/2018	\$133.05
Thomson West	10/25/2018	\$4.59
Thomson West	10/25/2018	\$105.52

Page **33** of **38**

SHORT TITLE: Pico Neighborhood Association, et al. v. City of Santa Monica

CASE NUMBER: BC616804

MEMORANDUM OF COSTS (WORKSHEET) (Continued)

Company	<u>Date</u>	Cost
Thomson West	10/25/2018	\$9.18
Thomson West	10/25/2018	\$5.13
Thomson West	12/14/2018	\$125.42
Thomson West	12/14/2018	\$209.03
Thomson West	12/14/2018	\$144.00
Thomson West	12/14/2018	\$4.65
Thomson West	12/20/2018	\$1.02
Thomson West	12/20/2018	\$0.34
Thomson West	01/15/2019	\$363.79
Thomson West	01/15/2019	\$38.58
Thomson West	01/15/2019	\$27.56
Thomson West	02/06/2019	\$2.84
SUBTOTAL		\$8,825.00

Attachment 16(a) Other Conference Call Charges

<u>Date</u>	<u>Description</u>	Cost
08/01/2016	Remote Link (Conference Call)	\$11.06
03/31/2017	Remote Link (Conference Call)	\$8.26
08/21/2017	Remote Link (Conference Call)	\$14.44
08/23/2017	Remote Link (Conference Call)	\$6.81
SUBTOTAL		\$40.57

Attachment 16(a) Other Deposition Summaries

<u>Date</u>		Cost
06/2018	Deposition Summaries (Exigent)	\$3,298.00
07/2018	Deposition Summaries (Exigent)	\$1,958.00
SUBTOTAL		\$5,256.00

Attachment 16(a) Other

<u>Date</u>		Cost
05/20/2018	Photographer	\$225.00
06/07/2018	Photographer	\$175.00
07/10/2018	Dropbox Fee	\$32.89
SUBTOTAL		\$432.89

Page 34 of 38

MEMORANDUM OF COSTS (WORKSHEET – ATTACHMENTS)

CASE NUMBER: BC616804

MEMORANDUM OF COSTS (WORKSHEET) (Continued)

Attachment 16(a) Other War Room

<u>Date</u>	Vendor	Cost
08/09/2018	Personal Court Reporters (War Room & Copies)	\$524.80
08/10/2018	Personal Court Reporters (War Room & Copies)	\$64.85
08/13/2018	Personal Court Reporters (War Room & Copies)	\$58.30
08/15/2018	Personal Court Reporters (War Room & Copies)	\$42.55
08/16/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$211.20
08/17/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$407.35
08/20/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$413.15
08/21/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$250.31
08/22/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$142.91
08/24/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$103.86
08/28/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$155.15
08/29/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$152.60
08/30/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$603.40
09/04/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$218.05
09/05/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$299.45
09/06/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$413.46
09/10/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$272.10
09/11/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$112.27
09/12/2018	Personal Court Reporters (War Room/Lunch & Copies)	\$116.85
SUBTOTAL		\$4562.61

Page **35** of **38**

PROOF OF SERVICE 1013A(3) CCP Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 43364 10th Street West, Lancaster, California 93534.

On March 29, 2019 I served the foregoing document described as **MEMORANDUM OF COSTS** as follows:

*** See Attached Service List ***

[] **BY MAIL as follows:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U. S. postal service on that same day with postage thereon fully prepaid at Lancaster, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[X] BY PERSONAL SERVICE as follows:

- [] I delivered such envelope by hand to the addressees at 111 North Hill Street, Los Angeles, CA 90012.
- []_ I caused the foregoing document described hereinabove to be personally delivered by hand by placing it in a sealed envelope or package addressed to the persons at the addresses listed on the attached service list and provided it to a professional messenger service whose name and business address is Team Legal, Inc., 40015 Sierra Highway, Suite B220, Palmdale, CA 93550.
- [X]_ I caused the foregoing document described hereinabove to be personally delivered by hand by providing it to a professional messenger service whose name and business address is Express Network, 1533 Wilshire Blvd, Los Angeles, CA 90017.
- BY FACSIMILE as follows: I served such document(s) by fax at See Service List to the fax number provided by each of the parties in this litigation at Lancaster, California. I received a confirmation sheet indicating said fax was transmitted completely.
- BY GOLDEN STATE OVERNIGHT DELIVERY/OVERNIGHT MAIL as follows: I placed such envelope in a Golden State Overnight Delivery Mailer addressed to the above party or parties at the above address(es), with delivery fees fully pre-paid for next-business-day delivery, and delivered it to a Federal Express pick-up driver before 4:00 p.m. on the stated date.
 - BY ELECTRONIC SERVICE as follows: Based on a court order, or an agreement of the parties to accept service by electronic transmission, I caused the

documents to be sent to the persons at the electronic notification addressed listed on the attached Service List. Executed on March 29, 2019, at Lancaster, California. (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct. X

SERVICE LIST Pico Neighborhood Association v. City of Santa Monica, California, et al. Attorneys for Defendant City of Santa Monica George Sargent Cardona Lane Dilg, Esq. Lane Dilg, Esq.
Joseph Lawrence, Esq.
Susan Y. Cola, Esq.
Santa Monica City Attorney's Office
1685 Main Street, Room 310
Santa Monica, CA 90401
Telephone: (310) 458-8336
Facsimile: (310) 395-6727 Theodore J. Boutrous, Jr., Esq. Marcellus McRae, Esq. Khan A. Scolnick, Esq. William E. Thomson, Esq. Attorneys for Defendant City of Santa Monica Theane Evangelis, Esq.
Tiaunia N. Bedell, Esq.
Gibson, Dunn & Crutcher, LLP
333 South Grand Avenue Los Angeles, CA 90071 Telephone: (213) 229-7000 Facsimile: (213) 229-7520

CERTIFICATE OF MAILING

L.A. Superior Court Central

Civil Division

PICO NEIGHBORHOOD ASSOCIATION ET AL

VS.

CITY OF SANTA MONICA

BC616804

Shenkman & Hughes PC

Attorney for Plaintiff/Petitioner 28905 Wight Road Malibu CA 90265

Parris Law Firm

Attorney for Plaintiff/Petitioner
43364 10th Street West
Lancaster CA 93534

Law Offices of Milton C. Grimes

Attorney for Plaintiff/Petitioner 3774 W 54th St Los Angeles CA 90043

Law Office of Robert Rubin

Attorney for Plaintiff/Petitioner
131 Steuart St., Suite 300
San Francisco CA 94105

Tachiki, Martin T., City Attorney

Attorney for Defendant/Respondent 1685 Main Street Room 310 Santa Monica CA 90401

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 06/19/18

HONORABLE YVETTE M. PALAZUELOS

N. RAYA

DEPT. 28

JUDGE

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

M. Tavakoli, C.A.

Deputy Sheriff

NONE

Reporter

8:45 am BC616804

PICO NEIGHBORHOOD ASSOCIATION E

 \mathtt{AL}

VS

CITY OF SANTA MONICA CALIFORNIA

Plaintiff

Counsel

NO APPEARANCES

Defendant Counsel

NATURE OF PROCEEDINGS:

RULING ON SUBMITTED MATTER

On the matters previously taken under submission, the Court issues its ruling.

The court's rulings, filed this date, are adopted as the final rulings of the court and incorporated herein by reference to the case file.

The Clerk shall give notice.

See attached service list.

MINUTES ENTERED 06/19/18 COUNTY CLERK

CERTIFICATE OF MAILING

L.A. Superior Court Central

Civil Division

PICO NEIGHBORHOOD ASSOCIATION ET AL

VS.

BC616804

CITY OF SANTA MONICA

Gibson, Dunn & Crutcher LLP

Attorney for Defendant/Respondent
333 South Grand Ave.
Los Angeles, CA 90071 3197

FILED Superior Court of California County of Los Angeles

RULING/ORDERS

JUN 19 2018

Sherri R. Carter, Executive Officer/Cl By Dep

Pico Neighborhood Association, et al. v. City of Santa Monica, Case No.: BC616804

Defendant City of Santa Monica's Request for Relief pursuant to CCP § 473 is DENIED.

"The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect." CCP § 473(b). "Application for this relief shall be accompanied by a copy of the answer or other pleading proposed to be filed therein, otherwise the application shall not be granted, and shall be made within a reasonable time, in no case exceeding six months, after the judgment, dismissal, order, or proceeding was taken." CCP § 473(b).

On June 14, 2018, the Court issued a tentative decision denying Defendant City of Santa Monica's motion for summary judgment, or alternatively summary adjudication, on the grounds that Defendant failed to comply with CCP § 437c(a)(2). The Court granted Defendant's counsel's oral request to file a motion on shortened time for relief pursuant to CCP § 473.

Defendant's sole argument was that the motion was timely served because it was also served via e-mail as "another method of delivery providing for overnight delivery." However, electronic service is not permitted unless the parties stipulate to such service or such service is ordered by the Court. CCP § 1010.6(a)(2)(A)(i). Defendant failed to raise in its Reply briefing any caselaw or argument that Plaintiffs Pico Neighborhood Association and Maria Loya ("Plaintiffs") waived the objection to improper notice pursuant to CCP § 437c(a)(2) due to opposing the motion on the merits.

Defendant fails to set forth any basis entitling it to relief pursuant to CCP § 473. The burden on the moving party is to (1) show a satisfactory excuse for the default; and (2) show diligence in making the motion after the discovery of the default. Hopkins & Carley v. Gens (2011) 200 Cal.App.4th 1401, 1410. "[N]eglect is excusable if a reasonably prudent person under similar circumstances might have made the same error."

Austin v. Los Angeles Unified School District (2016) 244 Cal.App.4th 918, 929. Defendant appears to take the position it does not need to seek relief from its failure to address the issue because the Court's ruling was only "tentative" and thus this was to permit the parties to focus their arguments. But Plaintiffs raised the issue of defective notice in their Opposition. Defendant did not address it. Defendant cannot take the position that it can wait to decide which arguments to address until after the Court issues its ruling. "Contentions supported neither by argument nor by citation of authority are deemed to be without foundation and to have been abandoned." Anastos v. Lee (2004) 118 Cal.App.4th 1314, 1318 (failure to cite applicable authority to support contention resulted in contention being waived); Badie v. Bank of America (1998) 67 Cal.App.4th 779, 784-85 (failing to raise a point or raising it and failing to support it with reasoned argument and citation to authority results in the point being treated as waived); Bernard v. Harford Fire Ins. Co. (1991) 226 Cal.App.3d 1203, 1205 (the party has the duty to support its arguments by appropriate references).

Defendant's argument that it did not include any applicable authority or argument because it chose to direct its focus to the substantive issues and Defendant was unaware until the hearing date that electronic service requires stipulation of the parties or Court order is insufficient to obtain relief pursuant to CCP § 473. (Further, as argued by Plaintiffs, service by "USPS Priority Mail" is not "express mail" or another method which provides for overnight delivery. Shenkman Decl. \P 2, Exhs. A-B.) Defendant's strategic decisions of how to allocate their Reply briefing and how to respond to Plaintiffs' Opposition was just that, a strategic decision with which Defendant now is unhappy with the outcome. Scottsdale Ins. Co. v. Superior Court (1997) 59 Cal.App.4th 263, 275 (a party was not entitled to relief for "mistake" when the party "made tactical choices which did not yield the results he expected"). And Defendant's ignorance of the law is no excuse and cannot be construed as "excusable" grounds for relief pursuant to CCP § 473. City of Ontario v. Superior Court (1970) 2 Cal.3d 335, 346.

Further, Defendant improperly argues the merits of the Court's decision and other issues beyond whether Defendant is entitled to relief pursuant to CCP § 473. And even if the Court were to consider Defendant's arguments, it would not alter the

outcome of the decision.¹ While this ruling may seem to place form over substance, the law is clear on this issue. The minimum notice requirements are mandatory and cannot be shortened by the Court. Urshan v. Musicians' Credit Union (2004) 120 Cal.App.4th 758, 764-65 n. 5 (noting the lack of discretionary language for the trial court to shorten the notice period for summary judgment or adjudication motions when compared to the general motion notice provision of CCP § 1005 which allows trial courts discretion to hear motions on shortened notice). Plaintiff, by raising this objection, has clearly and unequivocally not consented to a shortened notice period. A summary judgment or summary adjudication motion which is not properly noticed pursuant to CCP § 437c(a)(2) is properly disregarded. Cuff v. Grossmont Union High School District (2013) 221 Cal.App.4th 582, 596.

A party should not be forced into a decision to decide between responding on the merits, and risk wasting its resources, or objecting on the basis that the summary judgment motion was improperly noticed. Robinson v. Woods (2008) 168 Cal.App.4th 1258, 1268; Boyle v. CertainTeed Corp. (2006) 137 Cal.App.4th 645, 650 (waiver is not implied when a party alleges error and makes its objection, but still argues on the merits to act defensively to lessen the impact of the error). And even in such a situation, the best course of action, which Plaintiff took here, is to oppose the motion as best as possible and include the objection on inadequate notice as well as an opposition on the merits and when counsel appears at the hearing the objection should again be raised because of the defective notice. Carlton v. Quint (2000) 77 Cal.App.4th 690, 698. objection has been heard, argued, and sustained by the Court. The hearing date was invalid when noticed and continued to be Robinson 168 Cal.App.4th at 1267-68.

During hearing on the motion, Defendant's counsel stated that the Court did not provide an analysis of National Grange of the Order of Patrons of Husbandry v. California Guild, which Defendant cited twice, once in a string citation and again within the same paragraph for the quote that "And in voluminously opposing the motion, defendants did not argue that they could have put on an even bigger or better showing in opposition..." without any further analysis of the case. Id.

Defendant's arguments regarding the alleged impropriety of Plaintiff's service of the Opposition is immaterial. Plaintiff served the Opposition in a manner stipulated to by the parties. The parties agreed on May 31, 2018 to electronic service of the Opposition and Reply, but there was no such stipulation regarding service of the moving papers.

(2017) 17 Cal.App.5th 1130, 1146-47 (addressing whether an operative complaint filed after notice for the summary judgment motion was provided could be the basis for a summary judgment motion when the contents of the operative complaint were attached to a motion for leave to amend that was served three weeks prior to the summary judgment motion being noticed).

It is unclear why Defendant did not include a further discussion of the case it now claims to be dispositive. And as noted, such argument goes to the merits of the Court's decision and not Defendant's request for CCP § 473 relief due to the failure to address the notice issue in Defendant's Reply, which is the limited purpose for which Defendant was granted leave to file the briefing. Regardless and even if considered, Plaintiffs objected to the improper notice from the outset in their opposition and the Court will not consider the objection waived. The Court has no discretion to shorten the notice requirement for a summary judgment motion. Defendant failed to set forth a basis for relief pursuant to CCP § 473. By Defendant's argument, the only way Plaintiffs could have preserved their objection would have been to refuse to file any substantive opposition or appear for the hearing, or only appear to raise the objection, and then ask the Court for a continuance if the objection was overruled. But this would leave Plaintiffs in the precarious position of having not opposed the motion for summary judgment and hoping for a continuance if such objection was overruled, which there is no guarantee would be granted. Defendant cannot force Plaintiff into such decision by improperly noticing the summary judgment motion. Defendant's position would render the notice requirements for summary judgment motions meaningless so long as the motion was served with "enough" time to file an opposition, even if it did not comply with the statutory notice requirements. Such statutory notice requirements cannot be altered by the Court. The Court finds Plaintiff timely and properly asserted the objection that the motion was improperly noticed.

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CLERK TO GIVE NOTICE TO ALL PARTIES.

IT IS SO ORDERED.

YETTE M. PALAŽUEZOS UDGE OF THE SUPERIOR COURT

FILED Superior Court of California County of Los Angeles

JUN 19 2018

RULING/ORDERS

Sherri R. Carter, Executive Officer/Clerk

By Deputy

Neli M. Raya

Pico Neighborhood Association, et al. v. City of Santa Monica, Case No.: BC616804

Defendant City of Santa Monica's Motion for Summary Judgment, or alternatively Summary Adjudication, is DENIED.

"Notice of the motion and supporting papers shall be served on all other parties to the action at least 75 days before the time appointed for hearing. If the notice is served by mail, the required 75-day period of notice shall be increased by 5 days if the place of address is within the State of California, 10 days if the place of address is outside the State of California but within the United States, and 20 days if the place of address is outside the United States. If the notice is served by facsimile transmission, express mail, or another method of delivery providing for overnight delivery, the required 75-day period of notice shall be increased by two court days." CCP § 437c(a)(2).

Plaintiff objects that Defendant's service of motion was improper pursuant to CCP § 437c(a)(2). Defendant served the motion by mail. Seventy-five days before the June 14, 2018 hearing date is March 31, 2018. Thus, accounting for the extra five days for mail service the last day to serve the motion via mail was March 26, 2018. But Defendant did not serve the motion until March 29, 2018. The minimum notice requirements are mandatory and cannot be shortened by the Court. Urshan v. Musicians' Credit Union (2004) 120 Cal.App.4th 758, 764-65 n. 5 (noting the lack of discretionary language for the trial court to shorten the notice period for summary judgment or adjudication motions when compared to the general motion notice provision of CCP § 1005 which allows trial courts discretion to hear motions on shortened notice). A summary judgment or summary adjudication motion which is not properly noticed pursuant to CCP § 437c(a)(2) is properly disregarded. Cuff v. Grossmont Union High School District (2013) 221 Cal.App.4th 582, The Court cannot merely continue the motion an extra three days to "cure" the defective notice because the hearing date was invalid when noticed and continued to be so. Robinson v. Woods (2008) 168 Cal.App.4th 1258, 1267-68 (a party that files a written objection to the notice requirements does not need to establish prejudice or argue the merits of the summary judgment

motion and the trial court could not cure such defect by continuing the motion an additional four days because the notice was invalid when provided, thus beginning anew at the point of the continuance, and therefore the court, if it was so inclined, could only continue the motion for the required statutory period). No such continuance is available here because trial is less than 75-days away and pursuant to CCP § 437c(a)(3) a summary judgment or adjudication motion cannot be heard within 30 days of trial unless the Court for good cause orders otherwise.

Defendant contends the motion is timely noticed because it was also served via e-mail and therefore could be served by March 29, 2018 because such method of service is "another method of delivery providing for overnight delivery." But the California Code of Civil Procedure does not permit service via e-mail and such service is not proper unless the parties stipulate to or the court orders such service. CCP § 1010.6(a)(2)(A)(i) ("For cases filed on or before December 31, 2018, if a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the document is not authorized unless a party or other person has agreed to accept electronic service in that specific action or the court has ordered electronic service on a represented party or other represented person...") (emphasis added). There does not appear to be any stipulation or order on the record permitting email service of the motion. While the parties agreed on May 31, 2018 to electronic service of the opposition and reply, the Court is aware of no such stipulation regarding service of the moving papers. Accordingly, Defendant City of Santa Monica's motion for summary judgment, or alternatively summary adjudication, is denied due to failure to comply with CCP § 437c(a)(2).

CLERK TO GIVE NOTICE TO ALL PARTIES.

IT IS SO ORDERED.

2

OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES

CENTRAL DISTRICT-STANLEY MOSK COURTHOUSE CIVIL DIVISION 111 NORTH HILL STREET LOS ANGELES, CALIFORNIA 90012





RECEIVED

JUN 2 2 2018



CERT_FICATE OF MAILING

L.A. Superior Court Central

Civil Division

PICO NEIGHBORHOOD ASSOCIATION ET AL

VS.

CITY OF SANTA MONICA

BC616804

Shenkman & Hughes PC

Attorney for Plaintiff/Petitioner 28905 Wight Road

Malibu

CA 90265

Parris Law Firm

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Lancaster CA 93534

Law Offices of Milton C. Grimes

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Los Angeles

CA 90043

Law Office of Robert Rubin

Attorney for Plaintiff/Petitioner 131 Steuart St., Suite 300

San Francisco

CA 94105

Tachiki, Martin T., City Attorney

Attorney for Defendant/Respondent

1685 Main Street

Room 310

Santa Monica CA 90401

CERTIFICATE OF MAILING

L.A. Superior Court Central

Civil Division

PICO NEIGHBORHOOD ASSOCIATION ET AL

VS.

BC616804

CITY OF SANTA MONICA

Gibson, Dunn & Crutcher LLP

Attorney for Defendant/Respondent
333 South Grand Ave.
Los Angeles, CA 90071 3197

Villegas, L. Carlos

Attorney for Defendant/Respondent FAGEN FRIEDMAN & FULFROST LLP 6300 Wilshire Blvd., Suite 1700 Los Angeles CA 90048

RULING/ORDERS



Pico Neighborhood Association, et al. v. City of Santa Monica, Case No.: BC616804

Dr. Allan Lichtman's opinions, graphs, charts, and any work performed after his deposition and/or not disclosed in his deposition are excluded and were properly excluded at trial and there is no good cause to reopen the evidence.

Dr. Allan Lichtman's testimony is/was only admissible as to racially discriminatory intent in implementing and/or maintaining the at-large election system.

The purpose of the expert witness discovery statute is to give fair notice of what an expert will say at trial and allows the parties to assess whether to take the expert's deposition, to fully explore the relevant subject area at any such deposition, and to select an expert who can respond with a competing opinion on that subject area. When an expert is permitted to testify on an undisclosed subject area the opposing parties lack a fair opportunity to prepare for cross-examination or rebuttal. Bonds v. Roy (1999) 20 Cal.4th 140, 146-47. In Bonds, a medical malpractice action, the defendant stated in his expert witness declaration that his expert would testify on the issue of damages. At the expert's deposition, the expert specifically confirmed he did not expect to give any testimony or opinion concerning the standard of care issues that might be involved in the case. At trial and during the afternoon recess on the last day of testimony, the defendant sought to expand the scope of the expert's testimony to include the applicable standard of care. The trial court denied the request on the grounds that the plaintiff expected the expert to testify only as to damages and there was not enough time as the last witness to adjourn and take the expert's deposition and the expanded scope would be unfair, prejudicial, and a surprise to the. The overarching principle is an expert cannot offer trial testimony that exceeds the scope of deposition testimony if the opposing party had no notice or expectation that the expert would offer new testimony or if the notice of new testimony comes when deposing the expert is unreasonably difficult. Easterby v. Clark (2009) 171 Cal.App.4th 772, 780-81 (when the defendants learned three months before trial that the expert would go beyond his original testimony and offer an

opinion on causation at trial, they were on notice the expert would offer an opinion at trial not offered in his deposition and there was the opportunity to take the expert's deposition in light of the changed/new opinion and prepare for cross-examination and rebuttal such that the elements of surprise and prejudice were absent).

When demand is made for the exchange of expert witness lists, the disclosing party is required to provide not only the name, address, and qualifications of the expert, but also the general substance of the testimony the witness is expected to Kennemur v. State of California (1982) 133 give at trial. Cal.App.3d 907, 919-20. This means the party must disclose either in its witness exchange list or at the expert's deposition, if the expert is asked, the substance of the facts and opinions to which the expert will testify at trial. Only by such disclosure will the opposing party have reasonable notice of the specific areas of investigation by the expert, the opinions reached, and the reasons supporting the opinions to be able to prepare for cross-examination and rebuttal of the expert's testimony. Id. In Kennemur, the trial court excluded testimony when the plaintiff attempted to call an expert on causation at trial when in the three depositions prior to trial, the expert never testified that he had an opinion to offer on The defendant was entitled to rely on the expert's causation. disclaimer that he would not testify on causation until such time that the plaintiff disclosed that the expert had conducted a further investigation and reached additional opinions in a new area of inquiry. While the general substance of the testimony the witness is expected to give must be disclosed on proper request, this does not require disclosure of specific facts and opinions and notice is sufficient as to the "possible areas" of testimony because disclosure is not necessary for ultimate opinions in any given area. Williams v. Volkswagenwerk Aktiengesellschaft (1986) 190 Cal.App.3d 1244, 1257-58 (there must be enough to provide notice to the opposing party as to what issues are going to be and what areas expert testimony will be offered on).

Exclusion of testimony beyond the scope of opinions expressed at an expert's deposition is justified when the expert as a deponent testifies to specific opinions and affirmatively states those are the only opinions he intends to offer at trial. It would be unfair and prejudicial to permit additional opinions at trial when the expert was in effect not made available for deposition as to the other opinions offered at trial and despite promising to notify the defendant if he later formulated such

opinions, the expert did not do so. Jones v. Moore (2000) 80 Cal.App.4th 557, 563. In Jones, a legal malpractice action, the plaintiff's expert testified at deposition that the defendant's conduct fell below the standard of care in negotiating the underlying divorce settlement and judgment. But when asked whether he believed the conduct fell below the standard of care as to other areas of the representation, the expert stated "not that I'm prepared to testify to at this time" and when asked if he anticipated arriving at any other opinions the expert said "no, but if I do, you will be notified well in advance, so as to be able to properly exercise your discovery rights." At trial, the expert testified that the defendant's conduct fell below the standard of care when he failed to properly secure the source of the plaintiff's spousal support income, a task unrelated to his negotiation of the underlying settlement and judgment. When an expert discloses he will be available for further deposition upon his review of the conclusions reached by the opposing party's expert witness' opinions and the opposing party fails to request a follow-up deposition or seek other relief, the party's failure to make reasonable arrangements to continue the deposition or seek other appropriate relief means that the trial court acted within its discretion to permit the expert's Stanchfield v. Hamer Toyota, Inc. (1995) 37 testimony. Cal.App.4th 1495, 1503-04; In re Marriage of Hoffmeister (1984) 161 Cal.App.3d 1163, 1171 n. 6 (it was not error to allow the respondent's tax expert to testify concerning the tax consequences to the appellant by an increase in support payments because the appellant could not claim surprise when he failed to avail himself of the procedure to compel disclosure of expert witnesses).

Here, on June 11, 2018, the parties served their respective expert witness designations pursuant to CCP § 2034.260 and Plaintiff identified four experts: (1) David Ely; (2) Jonathan Brown; (3) Justin Levitt; and (4) Morgan Kousser. Defendant identified two experts: (1) Peter Morrison, to testify regarding "the present and historical demographics of Santa Monica;" and (2) Jeffrey Lewis, to testify regarding racially polarized voting and the "statistical methods normally used to analyze voting behavior when applied to the City of Santa Monica." Shenkman Decl. ¶¶ 1-2, Exhs. A-B.

On June 21, 2018, Defendant served a "Supplemental Expert Witness Designation" and listed Allan Lichtman as an additional expert to be called at trial and that Dr. Lichtman was expected to "testify at trial in this matter regarding subjects Plaintiffs have indicated will be covered by Dr. Kousser that

are not already being addressed by Dr. Lewis". Def. Attachment ("Att.") Exh. A. Plaintiffs objected to the supplemental designation and argued that Dr. Lichtman should have been designated in the simultaneous exchange based upon Fairfax v. Lords (2006) 138 Cal.App.4th 1019. On July 14, 2018, the Discovery Referee ruled that based upon Defendant's representation that it had a pending request to limit Dr. Kousser's testimony, Defendant's consistent objection to Dr. Kousser's testimony, Defendant designated Dr. Lichtman only after Dr. Kousser was designated, and that if Dr. Kousser was not permitted to testify then Defendant would not call Dr. Lichtman, that Defendant could present the testimony of Dr. Lichtman. Def. Att. Exh. B.

Plaintiffs served a notice of deposition on July 10, 2018 and Dr. Lichtman's deposition was scheduled for July 16, 2018. Shenkman Decl. ¶ 5, Exh. D. Plaintiffs included a request for documents pursuant to CCP § 2034.415 and requested, among other things, "any and all writings...prepared by Dr. Lichtman concerning this case." Id. During Dr. Lichtman's deposition, he indicated he had opinions beyond designation, including racially polarized voting as recent as 2016, whether Latinos and/or African Americans could constitute a majority of a single-member district, the present and historical demographics of Santa Monica which were topics already included in the designations of Dr. Morrison and Dr. Lewis, and that he intended to not only rebut Dr. Kousser's opinions, but also Mr. Ely and Mr. Levitt. Def. Att. Exh. D [Dr. Lichtman Dep. 8:17-9:19, 10:10-25, 15:13-16:14 60:9-21]. And when asked if he intended to do further work after the deposition, Dr. Lichtman indicated he likely would because he had not reviewed Plaintiffs' experts' depositions and new material or re-interpretation of material may be presented in those depositions. However, when asked if he would come back and be deposed again, Dr. Lichtman was not open to such idea, stating at his age such a trip was arduous and difficult. Def. Att. Exh. D [Dr. Lichtman Dep. 35:6-36:8]. Plaintiffs state that at the time they were unprepared to question Dr. Lichtman about topics such as racially polarized voting or the demographics of Santa Monica because such topics were beyond the scope of Dr. Lichtman's designation. Decl. ¶ 5.

Following Dr. Lichtman's deposition, Plaintiffs sought clarification from the Discovery Referee regarding the permissible scope of Dr. Lichtman's trial testimony and given Dr. Lichtman's designation as a supplemental expert pursuant to CCP § 2034.280. Shenkman Decl. ¶ 9. On July 22, 2018, the

Discovery Referee stated that the purpose was to solely explain the nature and scope of the ruling denying Plaintiffs' motion to strike the designation of Dr. Lichtman in which Dr. Lichtman was designated to rebut opinions offered by Dr. Kousser that were not addressed by Dr. Lewis and any additional opinions newly disclosed by Dr. Kousser at his upcoming deposition. Def. Att. Exh. C. The Discovery Referee found that Defendant designated Dr. Morrison to testify regarding racially polarized voting and Dr. Lewis to testify regarding the present and historical demographics of Santa Monica. Id. The Discovery Referee stated that in denying Plaintiffs' motion to strike the designation of Dr. Lichtman, the Discovery Referee relied on Defendant's claim that it would be prejudiced if unable to offer testimony rebutting Dr. Kousser on topics unaddressed by other experts, specifically Dr. Lewis and Dr. Morrison. Id. The Discovery Referee stated it was a "close call" to allow Dr. Lichtman to testify, but the decision was limited to ensure due process to Defendant and keep in mind the intent of expert designation requirements. Id.

The Discovery Referee noted that Plaintiffs prepared to depose Dr. Lichtman on a narrow subject matter regarding certain aspects of Dr. Kousser's report and that if Dr. Lichtman strayed from such topics, Plaintiffs' lawyers would need to prepare on those issues and schedule another deposition session. Discovery Referee also noted that Dr. Lichtman indicated hesitation to being deposed again. Id. The Discovery Referee stated that his intent was to make sure Defendant had witnesses available to address all topics and that it was unnecessary for Dr. Lichtman to cover topics being addressed by experts identified in the first designation. The Discovery Referee stated that while Dr. Lichtman was willing to present opinions on other topics, the testimony needed to be limited. Id. The Discovery Referee ruled that (1) the purpose of allowing Dr. Lichtman to testify was for him to address only very specific topics; (2) if Dr. Kousser did not testify at trial, then Dr. Lichtman could only testify for impeachment purposes; (3) if Dr. Kousser did testify, then Dr. Lichtman could testify only to offer rebuttal testimony of Dr. Kousser's opinions set forth in pages 40 to 98 of Dr. Kousser's May 31, 2018 declaration (regarding discriminatory intent only); and (4) the trial court would retain discretion to allow Dr. Lichtman to address additional topics if they were not covered by Dr. Lewis and Dr. Morrison or based upon the details as trial progressed. Id. The Court adopted the Discovery Referee's ruling on July $\overline{25}$, 2018. Shenkman Decl. ¶ 9, Exh. G.

Given the rulings of the Discovery Referee, which have been adopted by the Court, the Court finds Dr. Allan Lichtman's opinions, graphs, charts, and any work performed after his deposition and/or not disclosed in his deposition are excluded (and were properly excluded) during trial. Dr. Allan Lichtman's testimony is only admissible as to any racially discriminatory intent in implementing and/or maintaining the at-large election system. Dr. Lichtman was only permitted to testify at trial regarding racially discriminatory intent in implementing and/or maintaining the at-large election system. At Dr. Lichtman's deposition, Plaintiffs were unprepared to depose Dr. Lichtman on any other topics. And even though Dr. Lichtman expressed he had opinions on other topics, there was no need for Plaintiffs to notice a second deposition of Dr. Lichtman regarding such topics that he would not be permitted to testify to at trial. this is not analogous to cases in which a party is or becomes aware that the expert will offer opinions on further issues but chooses not to question the expert about such topics or notice another deposition session. Easterby 171 Cal.App.4th at 780-81; Stanchfield 37 Cal.App.4th at 1503-04. Dr. Lichtman's testimony was limited to a specific subject area and Defendant did not object to or otherwise seek relief from the Discovery Referee's order limiting the scope of Dr. Lichtman's testimony. Thus, Plaintiffs were not obligated to depose Dr. Lichtman regarding other areas in which he had opinions besides those provided in Dr. Lichtman's designation and as limited in the ruling by the Discovery Referee.

When Plaintiffs noticed Dr. Lichtman's deposition, it requested, among other things, "any and all writings...prepared by Dr. Lichtman concerning this case." Shenkman Decl. ¶ 5, Exh. D. Plaintiffs asked Dr. Lichtman if he intended to do further work after the deposition and Dr. Lichtman indicated he likely would because he had not reviewed Plaintiffs' experts' depositions and new material or re-interpretation of material may be presented in those depositions. Def. Att. Exh. D [Dr. Lichtman Dep. 35:6-12]. Defendant did not at any time notify Plaintiffs that Dr. Lichtman had performed such additional work and was available to be deposed again. And when asked if he would come back and be deposed again, Dr. Lichtman was not open to such idea, stating at his age such a trip was arduous and difficult. Id. [Dr. Lichtman Dep. 36:5-8]. Thus, Dr. Lichtman was, in effect, not available for deposition as to the further opinions offered at Jones 80 Cal. App. 4th at 565. Dr. Lichtman was not made available to be deposed again and did not indicate that he was available to be deposed again on any newly developed opinions after his deposition. Dr. Lichtman cannot offer opinions based

upon materials which he did not provide prior to his deposition or which Dr. Lichtman was unable to testify to fully at his deposition.

Accordingly, the Court finds that:

- 1) Dr. Allan Lichtman's opinions, graphs, charts, and any work performed after his deposition and/or not disclosed in his deposition are excluded and were properly excluded at trial and there is no good cause to reopen the evidence.
- 2) Dr. Allan Lichtman's testimony is/was only admissible as to racially discriminatory intent in implementing and/or maintaining the at-large election system.

JDGE OF THE SUPERIOR COURT

CLERK TO GIVE NOTICE TO ALL PARTIES.

IT IS SO ORDERED.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES

CENTRAL DISTRICT-STANLEY MOSK COURTHOUSE CIVIL DIVISION 111 NORTH HILL STREET LOS ANGELES, CALIFORNIA 90012



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EMPLOYMENT

California Institute of Technology

Professor of History and Social Science, 1980-Professor of History, 1979-80 Associate Professor of History, 1974-79 Assistant Professor of History, 1971-74 Instructor in History, 1969-71

Visiting and Adjunct Appointments:

University of Michigan

Visiting Instructor, summer, 1980

Harvard University

Visiting Professor, fall, 1981

Oxford University

Harold Vyvyan Harmsworth Professor of American History, 1984-85

Claremont Graduate School

Adjunct Professor of History, 1993

PUBLICATIONS

Books

- Colorblind Injustice: Minority Voting Rights and the Undoing of the Second Reconstruction (University of North Carolina Press, 1999).
- Dead End: The Development of Litigation on Racial Discrimination in Schools in 19th Century America (Fair Lawn, N.J.: Oxford University Press, 1986).
- Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward (New York: Oxford University Press, 1982), co-edited with James M. McPherson.
- The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910 (Yale University Press, 1974; Paperback, 1976).

Articles

- "Do the Facts of Voting Rights Support Chief Justice Roberts's Opinion in *Shelby County*?" *Trans-Atlantica* (forthcoming 2015), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2592829.
- "Strange Career and the Need for a Second Reconstruction of the History of Race Relations," in Raymond Arsenault and Vernon Burton, eds., Dixie Redux: Essays in Honor of Sheldon Hackney (New South Books, 2013), 423-53.
- "Why Were You Editor for 12 Years?", Historical Methods, 46 (2013), 1-4.
- "The Strange, Ironic Career of Section Five of the Voting Rights Act, 1965-2007" *Texas Law Review*, 86 (2008), 667-775 and "Prof. Kousser Responds to Prof. Bickerstaff's Comments," *Texas Law Review*, 86 (2008), in *See Also: An Online Companion to the Texas Law Review*, at http://www.texaslrev.com/seealso/volume-86/issue-4/prof.-kousser-responds-to-prof.-bickerstaffs-comments.html.
- "Has California Gone Colorblind?", in Frederick Douzet, Thad Kousser, and Kenneth P. Miller, eds., *The New Political Geography of California* (Berkeley: Institute of Governmental Studies, 2008), 267-90.

- "The Onward March of Right Principles': State Legislative Actions on Racial Discrimination in Schools in 19th Century America," *Historical Methods* 35 (2002), 177-204.
- "Introduction" to special issue on "Evaluating Ecological Inference" and paper, "Ecological Inference from Goodman to King," *Historical Methods* 34 (2001), 100-126.
- "Injustice and Scholarship" and "Responses to Commentaries," in *Social Science History* 24 (2000), 415-21, 443-50. (symposium on *Colorblind Injustice*)
- "What Light Does the Civil Rights Act of 1875 Shed on the Civil Rights Act of 1964?" in Bernard Grofman, ed., *Legacies of the 1964 Civil Rights Act* (Charlottesville, VA: University Press of Virginia, 2000), 33-40.
- "Reapportionment Wars: Party, Race, and Redistricting in California, 1971-1992," in Bernard Grofman, ed., *Race and Redistricting in the 1990's* (New York: Agathon Press, 1998), 134-90.
- "Ironies of California Redistricting, 1971-2001," in Jerry Lubenow and Bruce E. Cain, Governing the Golden State: Politics, Government, and Public Policy in California (Berkeley, CA: IGS Press, 1997), 137-55.
- "Estimating the Partisan Consequences of Redistricting Plans -- Simply," *Legislative Studies Quarterly* 21 (1996), 521-41.
- "Shaw v. Reno and the Real World of Redistricting and Representation," in Rutgers Law Journal 26 (1995), 625-710.
- Comments, in "The Supreme Court, Racial Politics, and the Right to Vote: *Shaw* v. *Reno* and the Future of the Voting Rights Act," *American University Law Review*, 44 (1994), 1, at 36-38, 50-51, 60-63.
- "Ignoble Intentions and Noble Dreams: On Relativism and History with a Purpose," in *The Public Historian* 15 (Summer, 1993), 15-28.
- "Beyond *Gingles*: Influence Districts and the Pragmatic Tradition in Voting Rights Law," in *University of San Francisco Law Review*, 27 (Spring, 1993), 551-92.
- "Common Sense or Commonwealth? The Fence Laws and Institutional Change in the Postbellum South" and "Two Visions of History," (both with Shawn Kantor) *Journal of Southern History*, 59 (May, 1993), 201-42, 259-66.
- "The Voting Rights Act and the Two Reconstructions," in Chandler Davidson and Bernard Grofman, eds., *Controversies in Minority Voting: A Twenty-Five Year Perspective on the Voting Rights Act of 1965* (Washington: Brookings Institution, 1992), 135-76.

- "How to Determine Intent: Lessons from L.A.," Journal of Law & Politics, 7 (1991), 591-732.
- "Toward 'Total Political History': A Rational Choice Research Program," *Journal of Interdisciplinary History*, 20 (Spring, 1990), 521-60.
- "Before *Plessy*, Before *Brown*: The Development of the Law of Racial Integration in Louisiana and Kansas," in Paul Finkelman and Stephen C. Gottlieb, eds., *Toward A Usable Past: Liberty Under State Governments* (Athens, GA: University of Georgia Press, 1991), 213-70.
- "The State of Social Science History in the Late 1980s," *Historical Methods*, 22 (1989), 13-20. Shorter version in *OAH Newsletter*, 17:4 (November, 1989), 4-5.
- "Expert Witnesses, Rational Choice, and the Search for Intent," Constitutional Commentary, 5 (1988), 349-73. Reprinted in Jack N. Raklove, ed., Interpreting the Constitution: The Debate Over Original Intent (Boston: Northeastern Univ. Press, 1990), 313-35.
- "The Supremacy of Equal Rights': The Struggle Against Racial Discrimination in Antebellum Massachusetts and The Foundations of The Fourteenth Amendment," *Northwestern University Law Review*, 82 (1988), 941-1010. Reprinted in Paul Finkelman, ed., *Race, Law, and American History*, 1700-1900 (Hamden, CT: Garland, 1992).
- "Specification or Speculation? A Note on Flanigan and Zingale," *Social Science History*, 10 (1986), 71-84.
- "Must Historians Regress? An Answer to Lee Benson," Historical Methods, 19 (1986), 62-81.
- "Origins of the Run-Off Primary," The Black Scholar, 15 (September/October, 1984), 23-26.
- "Are Political Acts Unnatural?," The Journal of Interdisciplinary History, 15 (1985), 467-80.
- "Are Expert Witnesses Whores?," *The Public Historian*, 6 (1984), 5-19. Reprinted in Theodore J. Karamanski, ed., *Ethics & Public History: An Anthology* (Malabar, FL: Krieger, 1990), 31-44.
- "The Revivalism of Narrative: A Response to Recent Criticisms of Quantitative History," *Social Science History*, 8 (1984), 133-49.
- "'New Political History:' Some Statistical Questions Answered," (with Allan J. Lichtman), *Social Science History*, 7 (1983), 321-44.
- "Log-Linear Analysis of Contingency Tables: An Introduction for Historians" (with Gary W. Cox and David W. Galenson), *Historical Methods*, 15 (1982), 152-69.

- "C. Vann Woodward: An Assessment of His Work and Influence" (with James M. McPherson), in Kousser and McPherson, eds., *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward*, xv-xxxix.
- "The Undermining of the First Reconstruction: Lessons for the Second," in Extension of the Voting Rights Act: Hearings Before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, House of Representatives, 97th Cong., 1 Sess. (Washington: G.P.O., 1982), 2009-2022. Revised version published in Chandler Davidson, ed., Minority Vote Dilution (Washington, D. C.: Howard University Press, 1984), 27-46.
- "Restoring Politics to Political History" *Journal of Interdisciplinary History*, 12 (Spring 1982), 569-95, reprinted in Robert I. Rotberg, ed., *Politics and Political Change* (Cambridge, Mass.: MIT Press, 2001), 19-46.
- "History as Past Sociology in the Work of Samuel P. Hays: A Review Essay," *Historical Methods*, 14 (Fall, 1981), 181-86.
- "Turnout and Rural Corruption: New York as a Test Case," (with Gary W. Cox), *American Journal of Political Science*, 25 (November 1981), 646-63.
- "History QUASSHed, 1957-1980," American Behavioral Scientist, 23 (1980), 885-904.
- "Making Separate Equal: The Integration of Black and White School Funds in Kentucky," *Journal of Interdisciplinary History*, 10 (1979), 399-428 and *ibid.*, 12 (1982), 509-13.
- "Quantitative Social Scientific History," in Michael Kammen, ed., *The Past Before Us:*Contemporary Historical Writing in the U.S. (Ithaca: Cornell University Press, 1980), 433-56.
- "Progressivism for Middle-Class Whites Only: The Distribution of Taxation and Expenditures for Education in North Carolina, 1880-1910," *Journal of Southern History*, 46 (1980), 169-94.
- "Separate But *Not* Equal: The First Supreme Court Case on Racial Discrimination in Education," *Journal of Southern History*, 46 (1980), 17-44. Reprinted in Kermit L. Hall, *Civil Rights in American History* (Garland Pub. Co., 1989); in Paul Finkelman, Race, Law, and American History, 1700-1900 (Hamden, CT: Garland, 1992)..
- "The Agenda for 'Social Science History'," Social Science History, 1 (1977), 383-91.
- "The 'New Political History': A Methodological Critique," *Reviews in American History*, 4 (March 1976), 1-14.

- "A Black Protest in the `Era of Accommodation'," *Arkansas Historical Quarterly*, 34 (1975), 149-178.
- "Post-Reconstruction Suffrage Restrictions in Tennessee: A New Look at the V. O. Key Thesis," Political Science Quarterly, 88:4 (December 1973), 655-683. Reprinted in Paul Finkelman, ed., Race, Law, and American History, 1700-1900 (Garland Pub. Co., 1992), and Robert F. Himmelberg, Business and Government in America Since 1870 (Garland Pub. Co.).
- "Ecological Regression and the Analysis of Past Politics," *The Journal of Interdisciplinary History*, 4:2 (Autumn 1973), 237-262.

Contributions to Reference Works

- "Election Law," in Donald T. Critchlow and Phil Vandermeer, eds., *The Oxford Encyclopedia of American Political and Legal History*," (New York: Oxford University Press, 2012)
- "Voting Rights," in Paul J. Quirk and William Cunion, eds., *Governing America: Major Policies and Decisions of Federal, State, and Local Government* (New York: Facts on File, Inc., 2011), III: 1010-25.
- "Race and Politics, 1860-1933," in *Princeton Encyclopedia of U.S. Political History* (Princeton, Princeton University Press, 2009), 635-43.
- "Disfranchisement," "Election Laws," "Grandfather Clause," "Jim Crow," "Plessy v. Ferguson," "Reitman v. Mulkey," "Voter Registration," "Voter Residency Requirements," and "Voting," in New Dictionary of American History (New York: Charles Scribner's Sons, , 2002)
- "Enclosure/Fence Laws," in *Encyclopedia of Appalachia* (Knoxville: University of Tennessee Press, 2006).
- "Voting Districts and Minority Representation," in *Encarta Africana* (2nd ed., Microsoft Corp., 2000).
- "Reapportionment" and "Voting Rights," in *Encyclopedia of the American Constitution*, Supplement II (New York: Macmillan, 2000).

- "Reconstruction," in *The Oxford Companion to United States History* (New York: Oxford University Press, 2001).
- "Poll Tax," in *The International Encyclopedia of Elections* (Washington, D.C.: Congressional Quarterly, Inc., 1999), 208-09.
- "Cumming v. Richmond County," "Grandfather Clause," and "Guinn v. U.S.," in Oxford Companion to the Supreme Court of the United States (New York: Oxford University Press, 1992).
- "Voting" in *Encyclopedia of Southern Culture*, (Chapel Hill: University of North Carolina Press, 1989), 1179-81.
- "Suffrage," in Jack P. Greene, ed., *Encyclopedia of American Political History* (NewYork: Charles Scribner's Sons, 1984), III, 1236-58.
- "Disfranchisement," "Grandfather Clause," and "Williams v. Mississippi," in David C. Roller and Robert W. Twyman, eds., Encyclopedia of Southern History (Baton Rouge: L.S.U. Press, 1979).

Reviews and Review Essays

- Gavin Wright, Sharing the Prize: The Economics of the Civil Rights Revolution in the American South, in Journal of Southern History, 80 (2014), 768-70.
- Angie Maxwell and Todd G. Shields, *Unlocking V.O. Key. Jr.: Southern Politics for the Twenty-First Century*, in *Journal of American History*, 99 (2012), 970-71.
- "The Immutability of Categories and the Reshaping of Southern Politics," *Annual Reviews of Political Science* (online at http://arjournals.annualreviews.org/eprint/NUV9MahREcFAzpPdT172/full/10.1146/annurev.polisci.033008.091519) 13 (2010), 365-83.
- Simon Topping, Lincoln's Lost Legacy: The Republican Party and the African American Vote, 1928-1952, in American Review of Politics, 29 (Fall and Winter, 2008-2009), 400-02.

- Brian K. Landsberg, Free at Last to Vote: The Alabama Origins of the 1965 Voting Rights Act, in Law and Politics Book Review, available at: http://www.bsos.umd.edu/gvpt/lpbr/subpages/reviews/landsberg0108.htm.
- Ron Hayduk. Democracy for All: Restoring Immigrant Voting Rights in the United States, in Political Science Quarterly 121(2006-07), 724-26.
- Jeff Manza and Christopher Uggen. Locked Out: Felon Disenfranchisement and American Democracy, and Sasha Abramsky, Conned: How Millions Went to Prison, Lost the Vote, and Helped Send George W. Bush to the White House, in Election Law Journal, 6 (2007), 104-12.
- Peter F. Lau, Editor, From the Grassroots to the Supreme Court: Brown v. Board of Education and American Democracy, in American Historical Review 111 (2006), 231-32.
- Glenn Feldman, The Disfranchisement Myth: Poor Whites and Suffrage Restriction in Alabama, in The Journal of Interdisciplinary History, 37 (2007), 646-47.
- John B. Boles and Bethany L. Johnson, eds., *Origins of the New South Fifty Years Later: The Continuing Influence of a Historical Classic*, in *The Historian*, 67 (2005), 307-09.
- Charles H. Feinstein and Mark Thomas, *Making History Count: A primer in quantitative methods for historians*, in *Journal of Interdisciplinary History*, 35 (2005), 622-23.
- John D. Skrentny, *The Minority Rights Revolution*, in *Journal of American History* 90 (2004), 1546-47.
- Jane Dailey, Glenda Elizabeth Gilmore, and Bryant Simon, eds., *Jumpin' Jim Crow: Southern Politics from Civil War to Civil Rights*, in *Georgia Historical Quarterly* 87 (2003), 427-48.
- Laughlin McDonald, A Voting Rights Odyssey: Black Enfranchisement in Georgia, in Election Law Journal 3 (2003), 53-62.
- Michael Perman, Struggle for Mastery: Disfranchisement in the South, 1888-1908, Journal of Interdisciplinary History 34 (2003), 109-10.

- Robert M. Goldman, *Reconstruction and Black Suffrage: Losing the Vote in <u>Reese</u> and <u>Cruikshank</u>," on H-POL, H-NET Reviews, March, 2003. URL: http://www2.h-net.msu.edu/reviews/showrev.cqi?path=179141046324369>*
- Alexander Keyssar, The Right to Vote: The Contested History of Democracy in the United States and Mark Lawrence Kornbluh, Why America Stopped Voting: The Decline of Participatory Democracy and the Emergence of Modern American Politics, Journal of American History 88 (2001), 1044-46.
- Miles Fairburn, Social History: Problems, Strategies and Methods, in Journal of Interdisciplinary History 31 (2000), 247-48.
- Kenneth C. Barnes, *Who Killed John Clayton? Political Violence and the Emergence of the New South, 1861-1893*, on H-Pol, H-Net Reviews, July, 1999. URL:http://www.h-net.msu.edu/reviews/showrev.cgi?path=31368931374241.
- Lee J. Alston and Joseph P. Ferrie, Southern Paternalism and the American Welfare State: Economics, Politics, and Institutions in the South, 1865-1965, in The Independent Review, 4 (Winter, 2000).
- Keith J. Bybee, Mistaken Identity: The Supreme Court and the Politics of Minority Representation, in American Political Science Review 93 (1999), 968-69.
- Ward M. McAfee, Religion, Race, and Reconstruction: The Public School in the Politics of the 1870s, in American Historical Review 104 (1999), 1677-78.
- Samuel L. Webb, Two-Party Politics in the One-Party South: Alabama's Hill Country, 1874-1920, in Journal of Economic History, 59 (1999), 234-35.
- Stewart E. Tolnay and E.M. Beck, A Festival of Violence: An Analysis of Southern Lynchings, 1882-1930, in Historical Methods 31 (1998), 171-75.
- Alex Lichtenstein, Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South in Journal of Interdisciplinary History 28 (1998), 484-85.
- Stephen Cresswell, Multi-Party Politics in Mississippi, 1877-1902, in Journal of American

- History, 83 (1996), 642-43.
- Nancy MacLean, Behind the Mask of Chivalry: The Making of the Second Ku Klux Klan, in Journal of the History of the Behavioral Sciences, 32 (1996), 229-32.
- Daniel I. Greenstein, A Historian's Guide to Computing, in Journal of Interdisciplinary History, 27 (1996), 103-05.
- Howard N. Rabinowitz, *Race, Ethnicity and Urbanization*, in *Slavery and Abolition* 16 (1995), 267-69.
- Michael C. Dawson, Behind the Mule: Race and Class in African-American Politics, in North Carolina Historical Review 72 (1995), 376-77.
- James Goodman, Stories of Scottsboro, in Princeton Alumni Weekly 95, #9 (Feb. 8, 1995), 20-21.
- Robert R. Dykstra, Bright Radical Star: Black Freedom and White Supremacy on the Hawkeye Frontier, in Reviews in American History, 22 (1994), 442-48.
- Robert C. McMath, Jr., American Populism: A Social History, 1877-1898, in Georgia Historical Ouarterly 77 (1993), 634-6.
- Michael F. Holt, Political Parties and American Political Development from the Age of Jackson to the Age of Lincoln, in Reviews in American History 21 (1993), 207-12.
- William Cohen, At Freedom's Edge: Black Mobility and the Southern White Quest for Racial Control, 1861-1915, in Slavery & Abolition 13 (1992), 239-41.
- Loren Haskins and Kirk Jeffrey, *Understanding Quantitative History*, and Konrad H. Jarausch and Kenneth A. Hardy, *Quantitative Methods for Historians*, in *Journal of Interdisciplinary History* 23 (1992), 139-40.
- Donald G. Nieman, *Promises to Keep: African-Americans and the Constitutional Order, 1776 to the Present*, in *Journal of Southern History* 58 (1992), 704-05.

- William E. Nelson, *The Fourteenth Amendment: From Political Principle to Judicial Doctrine*, in *Slavery and Abolition* 11 (1990), 414-16.
- Kermit L. Hall and James W. Ely, Jr., An Uncertain Tradition: Constitutionalism and the History of the South, in Georgia Historical Quarterly, 73 (1989), 843-44.
- James D. Anderson, *The Education of Blacks in the South, 1860 1935*, in *Slavery and Abolition* 10 (1989), 144-6.
- Lacy K. Ford, Jr., Origins of Southern Radicalism: The South Carolina Upcountry, 1800 1860, in Journal of Economic History, 49 (1989), 767-9.
- Peter Wallenstein, From Slave South to New South: Public Policy in 19th Century Georgia, in Maryland Historical Magazine, 83 (1988), 184-85.
- Charles A. Lofgren, *The Plessy Case: A Legal-Historical Interpretation*, in *Georgia Historical Quarterly*, 71 (1987), 742-4.
- Richard L. McCormick, *The Party Period and Public Policy*, in *Journal of American History*, 74 (1987), 169-70.
- Gail Williams O'Brien, The Legal Fraternity and The Making of a New South Community, 1843-1882, in North Carolina Historical Review, 64 (1987), 219-20.
- Theodore M. Porter, *The Rise of Statistical Thinking, 1820-1900*; Stephen M. Stigler, *The History of Statistics: The Measurement of Uncertainty Before 1900*, in *Wilson Quarterly*, XI (Spring 1987) 2, 161-62.
- C. Vann Woodward, *Thinking Back: The Perils of Writing History*, in *Journal of Economic History*, 48 (June 1987), 591-92.
- Dan T. Carter, When The War Was Over: The Failure of Self-Reconstruction in the South, 1865-1867; Ted Tunnell, Crucible of Reconstruction: War, Radicalism, and Race in Louisiana, 1862-1877, in Slavery and Abolition, 7 (1986), 290-98.

- Olivier Zunz, ed., Reliving the Past: The Worlds of Social History, in Reviews in American History, 14 (1986), 342-47.
- Robert F. Durden, *The Self-Inflicted Wound: Southern Politics in the 19th Century*, in *Journal of American History*, 73 (1986), 189-90.
- Alexander M. Bickel and Benno C. Schmidt, Jr., *History of the Supreme Court*, Vol. X, in *Journal of Southern History*, 52 (1986), 479-81.
- Eric Foner, Nothing But Freedom, in Slavery and Abolition, 7 (1986), 77-79.
- Alexander P. Lamis, A Two-Party South, in Times Literary Supplement (October 10, 1985).
- Steven F. Lawson, In Pursuit of Power, in Georgia Historical Quarterly, 69 (1985), 441-43.
- David B. Davis, *Progress and Human Slavery*, in *Times Literary Supplement* (1 February 1985), 123-24.
- Michael Perman, *The Road to Redemption: Southern Politics, 1869-1879*, in *Political Science Quarterly*, 100 (1985), 350-51.
- Catherine A. Barnes, Journey From Jim Crow: The Desegregation of Southern Transit in Constitutional Commentary, 2 (1984), 197-202.
- Raymond Arsenault, *The Wild Ass of the Ozarks: Jeff Davis and the Social Bases of Southern Politics*, in *American Historical Review*, 90 (1985), 228-29.
- Walter J. Fraser, Jr. and Winfred B. Moore, Jr., *The Southern Enigma: Essays on Race, Class, and Folk Culture*, in *Virginia Magazine of History and Biography*, 92 (1984), 475-76.
- Stephen Hahn, The Roots of Southern Populism, in American Historical Review, 89 (1984), 854-55.
- Paul Kleppner, Who Voted? and W. Dean Burnham, The Current Crisis in American Politics, in

- Social Science History, 9 (1985), 215-28.
- Patricia C. Cohen, A Calculating People: The Spread of Numeracy in Early America, in American Historical Review, 89 (1984), 203-04.
- John W. Cell, *The Highest Stage of White Supremacy*, in *Journal of American History*, 70 (September, 1983), 424-25.
- David L. Kirp, Just Schools: The Idea of Racial Equality in American Education, in The Public Historian, 5, #3 (1983), 119-22.
- Anthony P. Dunbar, Against the Grain: Southern Radicals and Prophets 1929-1959, in Business History Review, 54 (1982), 608-09.
- Jody Carlson, George C. Wallace and the Politics of Powerlessness, in American Historical Review, 87 (1982), 884.
- Eric Anderson, Race and Politics in North Carolina, 1872-1901: The Black Second, in Journal of Southern History, 48 (1982), 123-25.
- William Gillette, Retreat From Reconstruction, 1869-1879, in Register of the Kentucky Historical Society, 79 (1981), 191-94; and 80 (1982), 214-16.
- Bruce A. Campbell and Richard J. Trilling, eds., *Realignment in American Politics*, in *Reviews in American History*, 9 (1981), 23-28.
- Paul Kleppner, *The Third Electoral Era*, in *Journal of American History* (December 1979), 670-1.
- Jonathan M. Wiener, Social Origins of the New South: Alabama, 1865-1885 in American Historical Review (December 1979), 1482-3.
- Joel Silbey et al., *The History of American Electoral Behavior* in *Reviews in American History*, 7 (1979), 157-62.

- Jack Bass and Walter DeVries, *The Transformation of Southern Politics*, in *American Historical Review* (December, 1978), 1368-69.
- Michael P. Johnson, Toward a Patriarchal Republic: The Secession of Georgia in Journal of Interdisciplinary History, 9 (Autumn, 1978), 374-76.
- Michael Schwartz, Radical Protest and Social Structure: The Southern Farmers' Alliance and Cotton Tenancy, 1880-1890, in Journal of American History (December 1977), 811-812.
- Hugh D. Graham and Numan V. Bartley, *Southern Politics and the Second Reconstruction*, in *American Historical Review* 82 (1977), 217.
- Lawrence Grossman, The Democratic Party and The Negro: Northern and National Politics, 1868-92, in Journal of Ethnic Studies, 4 (1977), 114-117.
- John Shelton Reed, *The Enduring South*, in *Red River Valley Historical Review*, 4 (1979), 98-99.
- Louis Galambos, *The Public Image of Big Business in America*, 1880-1940 in *Journal of American History* (September 1975), 437-38.
- Monroe Lee Billington, *The Political South in the Twentieth Century*, in *Political Science Quarterly*, 90 (1975), 561-562.
- Roger L. Hart, Redeemers, Bourbons, and Populists: Tennessee, 1870-1896, in Journal of American History (March 1976), 1005-06.
- James B. Murphy, L.Q.C. Lamar: Pragmatic Patriot, in *Mississippi Quarterly*, 27 (1974-75), 109-114.
- Charles M. Dollar and Richard J. Jensen, *Historian's Guide to Statistics: Quantitative Analysis and Historical Research*, in *Journal of the American Statistical Association*, 67 (1972), 493.

Unpublished Works

"Tennessee Politics and The Negro, 1948-1964" (A.B. thesis, Princeton University, 1965).

POST-DOCTORAL GRANTS AND AWARDS

National Endowment for the Humanities Grant #R-9980-140, "Political Outputs in the South: Who Got What, When, Where, and Why?" January 1, 1974--May 31, 1975, \$23,641.

Graves Foundation Award, Summer, 1976

Howard Foundation Fellowship, 1979-80

National Endowment for the Humanities Grant #RO-20225-82, 1981-83, "Separate But Not Equal: A Social History of School Racial Discrimination Law in the Nineteenth Century," \$74,860.

Guggenheim Fellowship, 1985-86

Woodrow Wilson Center Fellowship, 1985-86

Haynes Foundation Grant, 1989-90

Lillian Smith Award, Southern Regional Council, 1999 (co-winner)

Ralph J. Bunche Award, American Political Science Assn., 2000 (co-winner)

Richard P. Feynman Prize for Excellence in Teaching, Caltech, 2011

Associated Students of Caltech Teaching Award, 1988-89, 2012-13

TEACHING

Undergraduate

U.S. History, Colonial - Present (many courses)

Why Were We in Vietnam?

Nuclear Weapons Policy and Star Wars

The Supreme Court

Race Relations in History and Social Science

Graduate

American Electoral Behavior

American Political Development

Race Relations in U.S. History

Social Science History

Topics in Econometrics

Writing for Social Scientists

Ph.D. Theses Directed

Gary W. Cox, "Party and Constituency in Victorian Britain" (1982)

Shawn Everett Kantor, "Politics and Property Rights: The Closing of the Open Range in the Postbellum South" (1991)

Micah Altman, "Districting Principles and Democratic Representation" (1998)

PAPERS AND LECTURES

Popular Writings:

"Voting Rights: Yes ___ No ___ Maybe ___ Obstructionists Threaten to Undo 16 Years of Effort," Los Angeles Times, February 7, 1982.

[&]quot;Jim Crow in the Voting Booth," Los Angeles Times, June 24, 1984.

"The District that Stretched Almost Anywhere but East," Los Angeles Times, June 12, 1990.

"The Open Primary Will Ruin California Politics," *Public Affairs Report*, May 1996, 7. (Institute of Governmental Studies, UCB)

"Charges of bias way off target," Sacramento Bee, Oct. 9, 1998, B9.

"How the Supreme Court Feeds a Rumor," Los Angeles Times, Oct. 10, 1999, M2.

"Revamping the Doctrine of Separate and Equal," Los Angeles Times, March 26, 2000, M2.

Remarks at Lillian Smith Award Ceremony, Southern Changes 21, #4 (Winter, 1999), 8-11.

"The Duties of Historians," debate on review of Colorblind Injustice, H-POL.

"The Supreme Court and the Undoing of the Second Reconstruction," *National Forum*, 80, #2 (Spring, 2000), 25-31.

"Proposition 77: How It Would Really Work," San Diego Union-Tribune, Oct. 31, 2005, p. B7.

"Are we better off redistricting by citizen panel?" San Francisco Chronicle, Nov. 13, 2011.

"The Strong Case for Keeping Section 5," http://blogs.reuters.com/great-debate/2013/02/15/the-strong-case-for-keeping-section-5/

"Gutting the landmark civil rights legislation", http://blogs.reuters.com/great-debate/2013/06/26/gutting-the-landmark-civil-rights-legislation/

INVITED LECTURES

Universities (American):

University of Pennsylvania (1976)

California State University at Los Angeles (1977)

Harvard University (1978)

Duke University Law School (1979)

Michigan State University (1980)

University of California, Santa Barbara (1980, 1984)

University of Chicago (1980, 1984)

University of Michigan (1980)

University of California, Irvine (1981)

University of Alabama at Birmingham (1981)

Brandeis University (1981)

California State University, Fullerton (1982)

University of California, Los Angeles (1981, 1983, 1988, 1993)

University of Miami (1983)

Claremont-McKenna College (1984)

University of Maryland, College Park (1985)

University of Maryland, Baltimore County (1985)

New School for Social Research (1986)

University of Dayton (1986)

Ohio State University (1987)

Albany Law School (1988)

University of Texas, Austin (1988)

Stanford University (1990, 1999)

Univ. of CA, Berkeley (1991, 1999)

Univ. of CA, San Diego (1991, 2000)

Claremont Graduate School (1993)

Northwestern University Law School (1993)

Rutgers Law School, Camden (1993)

Georgetown Law Center (1994)

C. Vann Woodward Lecture, Henderson State College (1994)

Yale University (1994)

American U. Law School (1994)

Univ. of Michigan Law School (1996, 1998)

Univ. of Southern California Law School (1996)

Univ. of CA, Los Angeles School of Law (1994, 1996, 1999)

CA State Univ., San Bernardino (1999)

Harvard Univ., Du Bois Center (1999, 2000, 2001)

Augusta State University (1999)

Paine College (1999)

University of LaVerne (2000)

University of Montana (2004)

University of Texas, Austin, Law School (2004)

University of Texas, San Antonio (2004, 2005)

University of North Carolina, Chapel Hill, Law School (2006)

University of Texas, Austin (2006)

Duke University (2006)

Whittier Law School (2006)

Indiana University School of Law (2009)

U.C.L.A. School of Law (2010)

Universities (English):

Oxford University (1984, 1985)

Cambridge University (1984, 2009)

University of Leeds (1985)

University of East Anglia (1985)

East Anglia University (1985)

Southampton University (1985)

Warwick (1985)

Sussex, Keele (1985)

CONVENTIONS:

Papers Delivered:

American Historical Association (1974, 1976, 1988, 2015)

Social Science History Association (1976, 1978, 1980, 1981, 1983, 1987,

1989, 1991, 1993, 1994, 1995, 1996, 1997, 2000, 2004)

Southern Historical Association (1978, 1980, 1992, 2005, 2012)

Organization of American Historians (1981, 1984, 1986, 1990)

International Conference on Quantitative History (1982)

Association of American Law Schools (1983)

Joint Center for Political Studies Forum on Run-Off Primaries (1984)

16th International Congress of Historical Sciences, Stuttgart, Germany (1985)

Brookings Institution Conference on the 25th Anniversary of the Voting

Rights Act (1990)

Continuing Legal Education Conference, Los Angeles (1990)

Voting Rights Symposium, University of San Francisco Law School (1992)

California Studies Association Convention (1994)

Midwest Political Science Association (1997, 2004)

USC/Caltech Conference, "Election Reform: 2000 and Beyond" (2001)

NAACP/MALDEF/APLAC Conference, "Making Our Communities Count: United for a Fair Redistricting Process" (2001)

AALS/APSA Conference on Constitutional Law (2002)

"The Future of the Voting Rights Act" (Columbia University Law School, 2003)

American Society of Legal History (2003)

American Political Science Association (2004)

"Who Draws the Lines: The Consequences of Redistricting Reform for Minority Voters" (University of North Carolina, 2006)

"Whither the Voting Rights Act? Agreements and Contestations in the Debate over its Renewal" (Duke University, 2006)

Discussant on Convention Panels:

American Historical Association (1983, 1989)

American Political Science Association (1977, 1988, 1989, 1995, 2000, 2007)

Pomona College Conference on Voting Rights (1983)

California Institute of Technology Conference on Political Institutions (1984)

Organization of American Historians (1988, 2002)

Conference on The Future of African-American State Universities (1990)

UCLA Conference on American Politics in Historical Perspective (1990)

Federal Judicial Center, Conference on Civil Rights Act of 1964 (1994)

American Historical Association, Pacific Coast Branch (1996)

Southern Historical Association (1997, 2000, 2002)

Social Science History Assn. (1998, 1999, 2001, 2003, 2006, 2008, 2011)

Southern Sociological Society (1999, 2007)

Western Political Science Assn. (2001, 2002, 2004)

The Historical Society (2010)

Other:

Rand Corporation (1978)

Town Hall of Los Angeles (1979)

Severance Club of Los Angeles (1979)

NAACP Legal Defense Fund Conference on Voting Rights, New Orleans (1982)

Constitutional Rights Foundation of L.A. (1990)

Caltech, Martin Luther King Day Speaker (1990, 1992, 1999, 2010)

All Saints Church Issues Forum (1992)

Church of the Good Shepherd Issues Forum (1995)

Pasadena Jewish Temple (1996)

The Field Institute, San Francisco (1997)

"Beyond 2007: Voting Rights in the 20th Century," (Washington D.C., 1997)

Augusta-Richmond County Museum (1999)

Princeton University Reunion Forum, "Fifty Years of the Voting Rights Act" (2015)

ORGANIZATIONS AND PROFESSIONAL SERVICE

Committees

Chairman, Methodology Network, Social Science History Association, 1976-80 Program Committee, Social Science History Assn., 1981, 1983 Membership Committee, Southern Historical Association, 1976-77, 1983, 1991-2 American Historical Association Committee on Quantitative Methods, 1983-86 Anglo-American Historical Committee, 1984-85 Committee on Harmsworth Professorship, American Historical Assn., 1985-88 Executive Committee, Social Science History Assn., 1989-1993

Editorial Boards

Journal of American History, 1977-1980 Historical Methods, 1983-86 Social Science History, 1987-92 Journal of Interdisciplinary History, 1989-Co-Editor, Historical Methods, 2000-05 Editor, Historical Methods, 2005-13

EXPERT WITNESS TESTIMONY

Hunter v. Underwood, 471 U.S. 222 (1985).

Mobile v. Bolden, 542 F. Supp. 1050 (S.D.Ala. 1982).

Moore v. Brown, 542 F. Supp. 1078 (S.D.Ala. 1982).

United States v. Dallas County Commission, 548 F. Supp. 875 (S.D.Ala. 1981).

Taylor v. Haywood County, Tenn. Commission, 544 F. Supp. 1122 (W.D.Tenn. 1982).

Sumter County Council v. U.S., 444 F. Supp. 694 (D.D.C. 1983).

- Brown v. Board of Commissioners of the City of Chattanooga, Tenn. 722 F. Supp. 380 (E.D. Tenn., 1989).
- Garza v. Los Angeles County Board of Supervisors, 756 F. Supp. 1298 (C.D. Cal., 1990), aff'd, 918 F.2d 763 (9th Cir. 1990), cert. denied, 111 S. Ct. 681(1991).
- *Brooks* v. *Harris* (N.D. GA., Civ. Action No. 1: 90-CV-1001-RCF, July, 1990), preliminary injunction refused to plaintiffs.
- U.S. v. City of Memphis (W.D. Tenn., 1991).
- Gonzales v. Monterey County, CA (N.D. Cal., Civ. No. C-91 20736 WAI (DVT), 1992).
- Members of the California Democratic Congressional Delegation v. Eu, summary judgment granted to defendants.
- DeBaca v. San Diego County Board of Supervisors (S.D. Cal., Civ. No. 91-1282-R(M), May 11, 1992), summary judgment granted to defendants.

Cousin v. McWherter (E.D. Tenn., 1993), No. CIV-I-90-339 (Jan. 19, 1994).

Rural West Tennessee African-American Affairs Council v. McWherter 836 F. Supp. 453 (W.D. Tenn. 1993), cert. denied, --S.Ct.--(1995).

Shaw v. Hunt, 861 F.Supp. 408 (E.D. N.C. 1994).

Vera v. Richards, 861 F.Supp. 1304 (S.D. Tx. 1994).

Georgia v. Reno, 881 F. Supp. 7 (D.D.C. 1995).

Lopez v. Monterey County.

In Re 2001 Redistricting Cases v. Redistricting Board (Alaska, 2002).

Cano v. Davis, 191 F.Supp. 2d 1135 (C.D. Cal. 2002)

Sessions v. Perry, 298 F.Supp. 2d 451 (2004).

Farrahkan v. Locke, (Federal District Court, Washington State, D.C. No. CV-96-0076-RHW (2005); reversed by 9th Cir. Ct. of Appeals, No. 06-35669 (Jan. 5, 2010)).

U.S. v. Osceola County, FL, 475 F.Supp. 2d 1220 (2006), later proceedings at 474 F. Supp. 2d 1254 (2006).

American Civil Rights Foundation v. Los Angeles Unified School District (Los Angeles County Super. Ct. No. BC341363) summary judgment granted to defendants and affirmed by Court of Appeal, Second Appellate District, Division 5, in B205943.

Sanchez v. City of Modesto, settled before trial.

Gomez v. Hanford Joint Union School District, settled before trial.

Avitia v. Tulare County Local Healthcare District, settled before trial.

Gonzalez v. City of Compton, CA. (Case No. BC 450494, Superior Court, Los Angeles County), settled before trial.

Perez v. Perry, 835 F. Supp. 2d 209 (W.D.Tx., San Antonio Div. 2012).

Texas v. U.S., (C.A. No. 1:11-cv-01303, D.D.C.), decided Aug. 28, 2012.

Texas v. Holder, (C.A. No. 1:12-cv-00128-RMC-DST-RLW, D.D.C.), decided Aug. 30, 2012.

Jauregui v. City of Palmdale, California (Case No. BC483039), decided July 23, 2013.

Soliz v. City of Santa Clarita (LASC Case No. BC512735), settled before trial.

Soliz v. Santa Clarita Community College District (LASC Case No. BC512736), settled before trial.

Banales v. City of Santa Barbara (Case No. 1468167, Superior Court, Santa Barbara County), settled before trial.

League of Women Voters v. North Carolina, pending.

Testimony at Hearings

Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, U.S. House of Representatives, *Extension of the Voting Rights Act*, 97 Cong, 1st Sess. (1981), pp. 2005-28.

California State Assembly, District Representation Committee, April 14, 2005.

California State Assembly, Elections and Redistricting Committee and Senate, Reapportionment and Constitutional Amendments Committee, Sept. 26, 2005.

National Commission on the Voting Rights Act, Los Angeles, Sept. 27, 2005.

National Commission on Voting Rights, San Francisco, Jan. 30, 2014

CONSULTING

Philadelphia Social History Project, for The National Endowment for the Humanities, 1976.

History Review Panel, Research Grants Division, National Endowment for the Humanities, Spring, 1978, Winter, 1979.

U.S. Department of Justice, *U.S.* v. *South Carolina*, U.S. District Court, South Carolina, 1980 (State Senate; case withdrawn).

Lawyers' Committee for Civil Rights, *Harris* v. *Hopewell*, U.S. District Court, 1982 (CA 82-0036-R, Eastern District of Virginia), settled before trial.

U. S. Department of Justice, *Bladen County, North Carolina* v. *United States*, No. 87-2974 (D.D.C., 1988), settled before trial.

NAACP, NAACP v. City of Tulsa, Oklahoma, 1990: (N.D. OK.), settled before trial.

Alabama State University, Knight v. James, No. CV83-M-1676-S (N.D.Ala. 1991).

City of Santa Monica, California, Charter Revision Commission, 1992.

MALDEF, Bonilla v. Chicago Board of Election Commissioners, 1993.

Private Plaintiffs, Reyes v. City of Dinuba, Ca., 1993, settled before trial.

MALDEF, Valadez v. City of Santa Maria, 1994.

MALDEF, 2001 California redistricting.

City of Salinas, California, 2001 redistricting of County Board of Supervisors.

City of Chino, California, California Voting Rights Act, 2003.

Leadership Conference on Civil Rights, on Hanford Unified School District and Modesto City Council, 2004

Democratic State Central Committee of California, Comment for the U.S. Department of Justice on scheduling of election in State Senate District 15, 2010

City of Lancaster, California, California Voting Rights Act, 2014

CURRENT RESEARCH

Separate But Not Equal: The Cumming Case and Race Relations in America (University of Kansas Press, under contract)

"The Supremacy of Equal Rights": School Desegregation in Nineteenth Century America (Cambridge University Press, under contract), a collection of three of my revised essays.

"The Onward March of Right Principles": School Segregation and Race Relations in the 19th Century United States (book) is an investigation of late nineteenth century state and federal court cases and the adoption of state laws on racial discrimination in schools in 22 states. The purposes are to throw new light upon black political power and the black social structure; to discover the identities and motivations of white supporters and opponents of black civil rights; to illuminate the murky history of the lower courts; and to integrate legislative and judicial history into a broader socio-political history.

Politics and the Distribution of Public Goods (book) is a primarily quantitative study of the effect

of changes in institutional political rules on the incidence of taxation and the distribution of public schooling in the South from 1880 to 1910.

June 2015

VITA

DAVID R. ELY

Compass Demographics, Inc. 6575 N. Vista Street San Gabriel, CA 91775 (626) 285-3074

E-mail: ely@compass-demographics.com

Employment:

2007 to present

David Ely is the manager and founder of Compass Demographics, a consulting and database management firm specializing in projects involving census and election data, redistricting projects, demographic analysis, and analysis of voting behavior.

1986 to 2007

Director of Research for the Redistricting and Reapportionment practice of Pactech Data and Research, Pasadena, California. As Director of Research, Mr. Ely testified or consulted to counsel in a variety of litigation involving the configuration of election districts as well as providing database construction and redistricting consulting for numerous jurisdictions.

Education:

California Institute of Technology in Pasadena, CA with a B.S. in Social Sciences and Mechanical Engineering in 1987.

Redistricting Consulting

Activities include database construction, demographic and voter analysis, development of districting plans, public hearings and presentation of plans, technical assistance, and analysis of alternative redistricting plans.

2016 Upland City Council District Formation
2016 Costa Mesa City Council District Formation
2015 Garden Grove City Council District Formation
2015 Fullerton City Council District Formation
2014 Saugus Union School District Trustee Area Formation
2014 Whittier City Council District Formation
2014 Sulphur Springs School District Trustee Area Formation
2014 Lancaster Elementary School District Trustee Area Formation

David R. Ely, Vita, page 2

(Redistricting Consulting, cont.)

2012	Los Angeles Unified School District Redistricting
2012	Los Angeles City Council Redistricting
2012	Pasadena Unified School Board Districting
2012	Pasadena City Council Redistricting
2011	Bay Area Rapid Transit (BART) Board Redistricting
2011	California Legislative Redistricting
2011	Los Angeles County Redistricting
2008	Ceres Unified School District Redistricting
2008	Madera Unified School District Redistricting
2008	Merced Elementary School District Redistricting
2008	Merced High School District Redistricting
2005	Hanford Joint Union High School District Redistricting
2003	Oakland City Council and Oakland Unified School Board Redistricting
2002	Los Angeles City Council Redistricting
2002	Los Angeles Unified School District Board Member Redistricting
2002	Pasadena, California, City Council Redistricting
2001	California Legislative Redistricting (Senate, Assembly, and Congressional
2001	Los Angeles County Supervisorial Redistricting
2001	Bay Area Rapid Transit Board Member Districts Redistricting
1992	Rancho Mirage, California, City Council Redistricting
1992	Three Valleys Municipal Water District Redistricting
1992	Los Angeles Unified School Board Member Redistricting
1992	Los Angeles City Council Redistricting
1992	Pasadena, California, City Council Redistricting
1991	California Congressional Redistricting
1991	California State Assembly Redistricting

David R. Ely, Vita, page 3

(Redistricting Consulting, cont.)

1991 Los Angeles County Board of Supervisors Redistricting

1987 City of Boston, Massachusetts Redistricting

1986 Los Angeles City Council Redistricting

1987 to 2012, California State Legislature, Redistricting Database construction

Litigation Analysis

Activities include database construction, demographic analysis, expert witness testimony, surname matching, geocoding of registered and actual voter lists, and construction of illustrative districting plans.

2000-Present Provided analysis on numerous voting rights investigations

Ramos v. Carrollton-Farmers Branch Independent School District (2015), expert witness (Texas)

Rodriguez v. City of Grand Prairie (2015), expert witness (Texas)

Rodriguez v. Grand Prairie Independent School District (2014), expert witness (Texas)

Navajo Nation v. San Juan County (2014), expert witness (Utah)

Solis v. City of Santa Clarita (2014), expert witness (California)

Jauregui v. City of Palmdale (2013), expert witness (California)

Gonzalez v. City of Compton (2012), expert witness (California)

Fabela v. City of Farmers Branch (2011), expert witness (Texas)

Benavidez v. Irving Independent School District (2008, 2013), expert witness (Texas)

Benavidez v. City of Irving (2008), expert witness (Texas)

Avitia v. Tulare Local Health Care District (2008), expert witness (California)

U.S. v. City of Euclid (2007), election data consultant (Ohio)

Bexar Metropolitan Water District (2007), election data consultant (Texas)

U.S. v. City of Springfield, Massachusetts (2006)

U.S. v. State of Missouri (2006), election data consultant

U.S. v. City of Philadelphia and Philadelphia City Commission (2006), Pennsylvania

State of Georgia v. Ashcroft, (2004) election data consultant

Gomez v. Hanford Joint Union High School District, (2004) California

David R. Ely, Vita, page 4

(Litigation Analysis, cont.)

Sanchez v. City of Modesto, (2004), California

Governor Gray Davis v. Kevin Shelley, (2003) data analysis and declaration (California)

U.S. v. Alamosa County, (2002), expert witness (Colorado)

Cano v. Davis, (2002), election data consultant, (California)

U.S. v. City of Lawrence, (2000), expert witness (Massachusetts)

U.S. v. City of Santa Paula, (2000) voting rights litigation (California)

U.S. v. Upper San Gabriel Valley Municipal Water District, (2000) voting rights litigation (California)

U.S. v. Passaic (2000) voting rights litigation (New Jersey)

U.S. v. City of Lawrence, (1999) voting rights litigation (Massachusetts)

Bonilla v. Chicago City Council (1992-1998), expert witness (Illinois)

Ruiz v. City of Santa Maria, (1992-1998), voting rights litigation (California)

Garza v. County of Los Angeles, (1988-90), Constructed databases and designed remedial plans for Los Angeles County Supervisorial Districts

JUSTIN LEVITT

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TEACHING

Loyola Law School, Los Angeles, CA

Associate Dean for Research (2017–present).

Professor of Law (2014–present), Gerald T. McLaughlin Fellow (2018–present).

Associate Professor of Law (2010–2014).

Courses: Constitutional Law, Law of the Political Process, Criminal Procedure

Founder, Practitioner Appellate Moot Program

Co-Chair, Faculty Workshops

Dean's Search Committee, Dean's Advisory Committee

Faculty Advisor, Loyola Law Review, 2014-15

Faculty Advisor, American Constitution Society

Curriculum, Academic Standards/Grading, Web Redesign, Instructional Tech. Committees

Excellence in Teaching Award, 2013-14

USC Gould School of Law, Los Angeles, CA

Visiting Professor of Law (spring 2015).

Course: Constitutional Law

California Institute of Technology (Caltech), Pasadena, CA

Visiting Associate Professor of Law (spring 2014).

Courses: Introduction to Law and Law and Economics

Yale Law School, New Haven, CT

Visiting Associate Professor of Law (spring 2013).

Courses: Law of Democracy, Motives of Public Actors

New York University School of Law, New York, NY

Assistant Adjunct Professor of Clinical Law (2006–07).

Course: Public Policy Advocacy Clinic

EDUCATION

Harvard Law School / Harvard Kennedy School

J.D./M.P.A., magna cum laude (June 2002).

HARVARD LAW REVIEW, Articles Editor, vols. 114 and 115

Hewlett Law & Negotiation Fellowship; Jessup Int'l Law Competition, Regional Best Oralist Teaching Fellow, Harvard College: The American Presidency, Globalization

Harvard College

B.A. (Special Concentration), magna cum laude (June 1995).

John Harvard Scholar, Harvard National Scholar

JUSTIN LEVITT Page 2 of 15

OTHER PROFESSIONAL EXPERIENCE

U.S. Department of Justice, Washington, DC (2015–17).

Deputy Assistant Attorney General, Civil Rights Division.

Reviewed strategic decisions, select case filings, and administrative concerns in supporting and managing hundreds of employees, including civil rights policy staff and sections enforcing federal statutes concerning voting rights and protections against employment discrimination (including protections for LGBT individuals).

Brennan Center for Justice at NYU School of Law, New York, NY (2005–08, 2009–10).

Counsel, Democracy Program.

Offered legislative and administrative counsel and pursued litigation to promote equitable access to an effective vote.

Obama Campaign for Change/Democratic National Committee, Washington, DC (2008).

National Voter Protection Counsel.

Co-managed presidential campaign's national voter protection program, directed substantive approach to election administration concerns, edited pleadings and helped direct strategy in election-related litigation, and oversaw recruitment and deployment of volunteer attorneys.

America Coming Together, Washington, DC (2004–05).

In-House Counsel.

Provided legal support for national voter mobilization operation, focusing on election administration, campaign finance compliance, and employment law.

Clark for President, Inc., Little Rock, AR (2003–04).

Director of Strategic Targeting.

Conducted intensive analysis of voter files and directed targeting for voter contact programs; drafted and edited policy and political materials.

U.S. Court of Appeals for the Ninth Circuit, Los Angeles, CA (2002–03).

Law Clerk to the Honorable Stephen Reinhardt.

Altshuler, Berzon, Nussbaum, Rubin & Demain, San Francisco, CA (summer 2001).

Summer Associate.

Drafted labor, environmental, and habeas case filings.

Department of State, Office of War Crimes Issues, Washington, DC (summer 2000).

Legal Intern.

Supported ICC negotiations and ICTY prosecutions.

Fulbright Scholarship, Universität zu Köln, Germany (1997–98).

Research on organizational and employee loyalty.

McKinsey & Company, Chicago, IL (1995–97).

Business Analyst.

Developed quantitative and qualitative assessments of corporate performance and opportunities, and strategies for driving measurable improvement.

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PRIMARY ARTICLES

<u>Citizenship and the Census</u>, 119 COLUM. L. REV. __ (forthcoming 2019).

Intent is Enough: Invidious Partisanship in Redistricting, 59 Wm. & MARY L. REV. 1993 (2018).

Quick and Dirty: The New Misreading of the Voting Rights Act, 43 FL. St. U. L. REV. 573 (2016).

Electoral Integrity: The Confidence Game, 89 N.Y.U. L. REV. ONLINE 70 (2014).

The Partisanship Spectrum, 55 Wm. & MARY L. REV. 1787 (2014).

Section 5 As Simulacrum, 123 Yale L. J. Online 151 (2013).

<u>Democracy on the High Wire</u>: Citizen Commission Implementation of the Voting Rights Act, 46 U.C. Davis L. Rev. 1041 (2013).

<u>Resolving Election Error</u>: The Dynamic Assessment of Materiality, 54 Wm. & MARY L. REV. 83 (2012) (also edited for inclusion in LEGAL WORKSHOP, OCT. 30, 2012).

Election Deform: The Pursuit of Unwarranted Electoral Regulation, 11 ELECTION L.J. 97 (2012).

Confronting the Impact of Citizens United, 29 YALE L. & POL'Y REV. 217 (2010).

<u>Long Lines at the Courthouse</u>: Pre-Election Litigation of Election Day Burdens, 9 ELECTION L.J. 19 (2010) (peer-reviewed).

Taking the "Re" Out of Redistricting: State Constitutional Provisions on Redistricting Timing, 95 GEO. L.J. 1247 (2007) (co-authored with Michael P. McDonald).

ESSAYS AND SHORTER SCHOLARSHIP

Race, Redistricting, and the Manufactured Conundrum, 50 LOYOLA L.A. L. REV. 555 (2017).

The Role of State Attorneys General in Federal and State Redistricting in 2020 (2017) (coauthored with James E. Tierney).

<u>Voter Identification in the Courts</u>, in <u>THE BOOK OF THE STATES</u> (Council of State Governments 2015).

"Fixing That": Lines at the Polling Place, 28 J. L. Pol. 465 (2013).

You're Gonna Need a Thicker Veil, 65 FLA. L. REV. F. (2013).

The New Wave of Election Regulation: Burden without Benefit, 6 ADVANCE 39 (2012).

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ESSAYS AND SHORTER SCHOLARSHIP (continued)

Fault and the Murkowski Voter: A Reply to Flanders, 28 ALASKA L. REV. 41 (2011).

Weighing the Potential of Citizen Redistricting, 44 LOYOLA L.A. L. REV. 513 (2011).

Guarantee Clause, in Encyclopedia of the U.S. Constitution (David Schultz ed., 2009).

<u>Seeing Double Voting</u>: An Extension of the Birthday Problem, 7 ELECTION L.J. 111 (2008) (co-authored with Michael P. McDonald) (peer-reviewed).

Developments in the Law—International Criminal Law (pt. 2): <u>The Promises of International Prosecution</u>, 114 HARV. L. REV. 1957 (2001).

MONOGRAPHS AND BOOK CHAPTERS

Quick and Dirty: The New Misreading of the Voting Rights Act, in <u>AMERICA VOTES! A GUIDE TO MODERN ELECTION LAW AND VOTING RIGHTS</u> (Benjamin E. Griffith ed., 3d ed. 2016).

<u>LULAC v. Perry: The Frumious Gerry-Mander, Rampant</u>, in ELECTION LAW STORIES (Foundation Press, 2016).

Novel (and Not-so-Novel) Alternatives to Legislative Redistricting, in <u>AMERICA VOTES! A GUIDE</u> TO MODERN ELECTION LAW AND VOTING RIGHTS (Benjamin E. Griffith ed., 2d ed. 2012).

Redistricting and the West: The Legal Context, in <u>REDISTRICTING AND REAPPORTIONMENT IN THE WEST</u> (Gary F. Moncrief ed., 2011).

A CITIZEN'S GUIDE TO REDISTRICTING (2d ed., Brennan Center for Justice 2010).

How Data is [sic] Used by Advocates, in <u>DATA FOR DEMOCRACY</u> (Paul Gronke & Michael Caudell-Feagan eds., 2008).

A CITIZEN'S GUIDE TO REDISTRICTING (1st ed., Brennan Center for Justice 2008).

THE TRUTH ABOUT VOTER FRAUD (Brennan Center for Justice 2007).

Introduction, in Making Every Vote Count: Federal Election Legislation in the States (Andrew Rachlin ed., 2006).

MAKING THE LIST: DATABASE MATCHING AND VERIFICATION PROCESSES FOR VOTER REGISTRATION (Brennan Center for Justice 2006) (co-authored with Wendy R. Weiser and Ana Muñoz).

MULTIMEDIA RESEARCH

<u>All About Redistricting</u>, a comprehensive website tracking the status of decennial redistricting, explaining the process state-by-state, and following redistricting litigation start to finish.

JUSTIN LEVITT Page 5 of 15

TESTIMONY AND REGULATORY COMMENT

U.S. Senate: From Selma to Shelby County: Working Together to Restore the Protections of the Voting Rights Act: Hearing Before the S. Comm. on Judiciary, 113th Cong. (July 17, 2013) (video, statement).

- **U.S. Senate**: New State Voting Laws: Barriers to the Ballot?: Hearing Before the S. Comm. on Judiciary, Subcomm. on Constitution, Civil Rights & Human Rights, 112th Cong. (Sept. 8, 2011) (video, statement).
- **U.S. Senate**: *In Person Voter Fraud: Myth and Trigger for Disenfranchisement?: Hearing Before the S. Comm. on Rules & Admin.*, 110th Cong. (Mar. 12, 2008) (transcript, statement).
- **U.S. Senate**: Protecting Voters at Home and at the Polls: Limiting Abusive Robocalls and Vote Caging Practices: Hearing Before the S. Comm. on Rules & Admin., 110th Cong. (Feb. 27, 2008) (statement).
- **U.S. House**: Progress Report on the 2020 Census: H. Comm. on Oversight & Government Reform, 115th Cong. (May 9, 2018) (video, statement).
- U.S. Comm'n on Civil Rights: An Assessment of Minority Voting Rights Access in the United States: Hearing Before the U.S. Comm'n on Civil Rights (Feb. 2, 2018) (video, statement, supplement).
- **U.S. Comm'n on Civil Rights**: Redistricting and the 2010 Census: Enforcing Section 5 of the VRA: Hearing Before the U.S. Comm'n on Civil Rights (Feb. 3, 2012) (statement).
- **U.S. Comm'n on Civil Rights** (Alaska): Alaska Native Voting Rights: Hearing Before the Alaska Advisory Comm. to the U.S. Comm'n on Civil Rights (Sept. 22, 2017) (statement).
- **U.S. Comm'n on Civil Rights** (Indiana): *Voting Rights in Indiana: Hearing Before the Indiana Advisory Comm. to the U.S. Comm'n on Civil Rights* (Apr. 30, 2018) (<u>statement</u>).
- **U.S. Dep't of Commerce**: <u>Comment</u> on Proposed Information Collection, 2020 Census, Aug. 7, 2018, response to 83 Fed. Reg. 26,643 (June 8, 2018).
- **U.S. Census Bureau**: <u>Comment</u> on Census Residence Rule and Residence Situations: People in Correctional Facilities, July 20, 2015, response to 80 Fed. Reg. 28,950 (May 20, 2015).
- **Fed. Court**: Democratic National Committee v. Republican National Committee, No. 81-3876 (D.N.J. May 6, 2009) (opinion).
- **State Court**: *Jauregui v. Palmdale*, No. BC483039 (Cal. Super. Ct., Los Angeles County May 2013).
- **State Court**: *Pico Neighborhood Ass'n v. Santa Monica*, No. BC616804 (Cal. Super. Ct., Los Angeles County Aug. 2018).

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TESTIMONY (continued)

- Alaska House: Hearing on H.J.R. 26 Before the H. State Affairs Comm., 30th Leg. (Alaska Feb. 20, 2018) (video)
- **Ill. Senate**: Proposals for Changing the Current Redistricting Process in Illinois: Hearing Before the S. Redistricting Comm., 96th Leg. (Ill. Oct. 13, 2009) (statement).
- **Ind. Joint Comm**: Hearing Before the Interim Study Comm. on Redistricting, 117th Gen. Assem. (Ind. Oct. 7, 2011); Hearing Before the Census Data Advisory Committee, 116th Leg. (Ind. Sept. 29, 2009) (statement).
- **Mich. House**: *Hearing on H.B. 5914 Before the H. Judiciary Comm.*, 95th Leg. (Mich. Apr. 13, 2010) (with Myrna Pérez) (<u>statement</u>).
- **Nev. Joint Comm.**: National Overview of Reapportionment and Redistricting: J. Meeting Assemb. Comm. Legis. Operations & Elections & S. Comm. Legis. Operations & Elections, 76th Reg. Sess. (Nev. Mar. 10, 2011) (presentation).
- **N.Y. Assembly**: Redistricting: Hearing on A.624, A.2056, and A.6287-a Before Assemb. Standing Comm. on Gov't Operations (N.Y. Oct. 17, 2006) (with Kahlil Williams) (statement)
- **Ore. Joint Comm.:** Communities of Interest: An Overview of the Law: Hearing Before the S. Comm. on Redistricting & the H. Comm. on Redistricting (Ore. Feb. 25, 2011); What is Redistricting? A Citizen's Guide to Redistricting: Hearing Before the S. Comm. on Redistricting & the H. Comm. on Redistricting (Ore. Feb. 4, 2011) (audio)...
- **Tex. House**: Hearing on S.B. 14 Before the H. Select Comm. on Voter Identification and Voter Fraud, 82d Leg. (Tex. Mar. 1, 2011) (video @ 4:47:00); Hearing on S.B. 362 Before the H. Comm. on Elections, 81st Leg. (Tex. Apr. 6, 2009) (video @ 2:29:00, statement); Hearing Before the H. Comm. on Elections, 80th Leg. (Tex. Jan. 25, 2008) (video @ 3:26:40).
- **Wash. Senate**: Hearing on Voting Rights Issues Before the S. State Gov't, Tribal Relations & Elections Comm. (Wash. Jan. 10, 2018) (statement).
- **Wash. Joint Comm.**: Hearing on Issues Involving Potential Litigation Over State Voting Rights Acts Before the S. Gov'tal Ops. Comm. & the L. & Justice Comm. (Wash. May 7, 2015).
- **Wis. Joint Comm.**: Hearing on A.B. 895 and 892, and S.B. 640 and 645, Before the Ass. Comm. on Elections & Campaign Reform & the S. Comm. on Labor, Elections & Urban Affairs (Wis. Mar. 31, 2010) (statement).
- L.A. County: Report on the Legal Standards Pertaining to the Los Angeles County Redistricting

 Process: Hearing Before the L.A. County Board of Supervisors (L.A. County Aug. 9, 2011)

 (video).
- **City of Dallas:** <u>Hearing</u> Before the Dallas Charter Review Comm'n re Redistricting (Dallas, Mar. 25, 2014) (video).

JUSTIN LEVITT Page 7 of 15

SELECTED PRESENTATIONS

- Speaker, Citizenship and the Census, Harvard Law School, Cambridge, MA (Apr. 2019).
- Panelist, *Dollars and Sense: Campaign Finance Reform for the 21st Century*, Notre Dame Law School, South Bend, IN (Feb. 2019).
- Panelist, *Undercounting Democracy: The Census and the Citizenship Question*, UCLA Law School, Los Angeles, CA (Feb. 2019).
- Moderator, Fighting Gerrymandering with the First Amendment, Reason, Reform & Redistricting Conference, Duke University, Durham, NC (Jan. 2019).
- Speaker, *The Need for Redistricting Reform*, U. Arizona Conference on Redistricting, Tucson, AZ (Oct. 2018).
- Speaker, *Threats to Voting Rights*, 13th Annual Conference of the National Association of Appellate Court Attorneys, New Orleans, LA (July 2018).
- Panelist, *How Gerrymandering is Reshaping Politics*, SxSW, Austin, TX (Mar. 2018).
- Panelist, Foreign Interference in U.S. Elections from an Election and Constitutional Law Perspective, Foreign Interference with Elections, McGeorge Global Center Annual Symposium, McGeorge School of Law, University of the Pacific, Sacramento, CA (Mar. 2018).
- Moderator, At Our Whit(ford)'s End With Gerrymandering?, Unrig the System Summit, New Orleans, LA (Feb. 2018).
- Speaker, A Republic, If You Can Keep It: Construction and Maintenance of the Franchise, In Defense of Voting Rights, Colloquium on the Constitution and the Imagining of America, Amherst College, Amherst, MA (Nov. 2017).
- Panelist, *Race and Redistricting 2021*, <u>Redistricting Reform Conference at Harvard</u>, Harvard Kennedy School / Harvard Law School, Cambridge, MA (Nov. 2017).
- Panelist, Voting Rights Institute, ACS 2017 National Convention, Washington, DC (June 2017).
- Keynote Speaker, <u>Legislatures</u>, <u>Courts and Voting Rights: Developments since the 2013 Shelby</u> <u>County v. Holder Decision</u>, U. Pittsburgh School of Law, Pittsburgh, PA (Apr. 2017).
- Keynote Speaker, *The Future of National Election and Political Reform Efforts*, The Future of Democracy, Election Law@Boalt, Berkeley Law School, Berkeley, CA (Apr. 2017).
- Participant, *Political Parties and Republican Government*, Liberty Fund Colloquium, Cato Institute, Washington, DC (Apr. 2017).
- Panelist, *The Supreme Court and 2020 Round*, William & Mary Law Review 2020 Redistricting Symposium, William & Mary Law School, Williamsburg, VA (Feb. 2017).

JUSTIN LEVITT Page 8 of 15

SELECTED PRESENTATIONS (continued)

Presenter, *Vote As If Your Life Depends on It*, NDRN 2016 P&A/CAP Annual Conference, Baltimore, MD (June 2016).

- Panelist, Voting Rights Institute, ACS 2016 National Convention, Washington, DC (June 2016).
- Opening Remarks, <u>Summit on Language Access in Elections</u>, Election Assistance Commission, College Park, MD (June 2016).
- Panelist, Government Plenary, ABA Section of Labor and Employment Law, National Conference on Equal Employment Opportunity Law, Austin, TX (Mar. 2016).
- Opening Remarks, <u>Securing the Election in the 21st Century</u>, Election Verification Network Conference, Washington, DC (Mar. 2016).
- Panelist, Protecting Voters and Best Practices for State, County, and Local Officials, Roundtable, Joint Center for Political and Economic Studies, GW Law, Washington, DC (Dec. 2015).
- Panelist, *Ensuring Fair Elections 50 Years After the Voting Rights Act*, U. Conn. School of Law, Hartford, CT (Nov. 2015).
- Panelist, *The Voting Rights Act 50 Years Later*, Southern District of California Judicial Conference: Is Justice Blind?, Temecula, CA (Mar. 2015).
- Panelist, Closing Plenary, *Looking Forward to an Expanded Electorate*, Future of California Elections 2015 Conference, Sacramento, CA (Feb. 2015).
- Panelist, *The Voting Rights Act at 50: The Past, Present, and Future of the Right to Vote*, LSU Law Center, Baton Rouge, LA (Jan. 2015).
- Guest Lecture, *Legislative and Administrative Testimony*, Brennan Center Public Policy Advocacy Clinic, NYU School of Law, New York, NY (Nov. 2014).
- Panelist, <u>Got ID? Recent Trends in Voter Identification Requirements</u>, 2014 U.S. Election Program, International Foundation for Electoral Systems, Washington, DC (Nov. 2014).
- Kickoff Speaker, American Constitution Society Inaugural SoCal Regional Conference, Southwestern Law School, Los Angeles, CA (Oct. 2014).
- Presenter, *Voting Rights in the 2014 Elections*, Federal Bar Association Inland Empire Chapter, Riverside, CA (Oct. 2014).
- Presenter, *U.S. Redistricting, in Texas and Beyond*, Workshop Derecho Electoral Comparado, Tribunal Electoral del Poder Judicial de la Federación, Mexico City, Mexico (Sept. 2014).
- Panelist, *The End of Political Gerrymandering?*, National Constitution Center, Philadelphia, PA (May 2014).

JUSTIN LEVITT Page 9 of 15

SELECTED PRESENTATIONS (continued)

Presenter, Democracy Held Captive: Felon Voting Rights and Prison-Based Gerrymandering, 44th Annual Cal State Fullerton Philosophy Symposium, <u>Rethinking Mass Incarceration: Gender, Race, and the Prison Industrial Complex</u>, Cal. State University, Fullerton, CA (Apr. 2014).

- Presenter. *The Partisanship Spectrum*, *The Jurisprudence of Voting Rights*, Midwest Political Science Association, Chicago, IL (Apr. 2014).
- Panelist, <u>Voting Rights Post-Shelby: A Perspective One Year Out</u>, American Constitution Society, Georgetown University Law Center, Washington, DC (Apr. 2014).
- Presenter, *The Partisanship Spectrum*, *Elections*, *Law & Democracy*, Southern California Law and Social Science Forum, Whittier Law School, Costa Mesa, CA (Mar. 2014).
- Presenter, 40 Years after Watergate and 4 Years after Citizens United, American Constitution Society, Southwestern Law School, Los Angeles, CA (Mar. 2014).
- Panelist, <u>Voting Rights: Challenges and Opportunities for Cause Lawyers in the 21st Century</u>, 2014 La Verne Law Review Symposium, *Brown v. Board of Education at 60: Cause Lawyering for a New Generation*, University of La Verne College of Law, La Verne, CA (Feb. 2014).
- Panelist, <u>Has the United States Supreme Court Killed California's Initiative Process or Helped</u>
 <u>Check Its Abuses?</u>, Federalist Society 2014 Annual Western Chapters Conference, Ronald Reagan Presidential Library, Simi Valley, CA (Jan. 2014).
- Participant, *Scholars' Convening on Voting Rights*, George Washington University School of Law, Washington, DC (Dec. 2013).
- Participant, *Redistricting 2020: Preparing for Action*, Pew Charitable Trusts, Washington, DC (Dec. 2013).
- Panelist, What's at Stake for Immigrant Communities and Other Communities of Color in the New Battle Over Voting Rights, 2013 Advancing Justice Conference, Los Angeles, CA (Nov. 2013).
- Panelist, Shelby County v. Holder: *Election Law's Impact on the Asian Pacific American Community*, U.C. Irvine School of Law, Irvine, CA (Nov. 2013).
- Speaker, *Exploring the Post-Shelby Voting Rights Act Framework*, American Constitution Society, UCLA, Los Angeles, CA (Oct. 2013).
- Speaker, *The Future of Voting Rights after* Shelby County v. Holder, Public Policy Lecture Series, Reed College, Portland, OR (Oct. 2013).
- Presenter, *The Partisanship Spectrum*, Junior Faculty Workshop, University of Toronto School of Law, Toronto, Canada (Oct. 2013).

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SELECTED PRESENTATIONS (continued)

- Speaker, *Voting Rights After* Shelby County v. Holder: *What Now?*, American Constitution Society, University of La Verne College of Law, La Verne, CA (Oct. 2013).
- Presenter, *The Partisanship Spectrum*, Fall 2013 Southern California Junior Faculty Workshop, Southwestern Law School, Los Angeles, CA (Sept. 2013).
- Panelist, <u>Long Voting Lines Causes and Cures and Precinct Management</u>, National Ass'n of State Election Directors Summer Meeting, Anchorage, AK (July 2013).
- Panelist, *How to Fix That: Modernizing Our Elections*, Netroots Nation 2013, San Jose, CA (June 2013).
- Panelist, *Campaign Finance After* Citizens United, Federalist Society, Yale Law School, New Haven, CT (Apr. 2013).
- Panelist, *Politics, Disease Prevention, and the Polling Place: Lessons from Vote & Vax*, Clinton Global Initiative U., Washington University in St. Louis, St. Louis, MO (Apr. 2013).
- Symposium Participant, *The Voting Wars: Election Day and Beyond*, University of Virginia School of Law, Charlottesville, VA (Mar. 2013).
- Speaker, Gerrymandering, Voter Suppression, and the Voting Rights Act, Rogers School of Law, Tucson, AZ (Mar. 2013).
- Panelist, The Future of the Voting Rights Act, Yale Law School, New Haven, CT (Mar. 2013).
- Panelist, Voting Rights at Large and at Small: Perspectives on Local Election Administration and How People Really Vote, RebLaw 2013, Yale Law School, New Haven, CT (Feb. 2013).
- Speaker, *The California Voting Rights Act*, City of Anaheim, Citizens Advisory Committee on Elections and Community Involvement, Anaheim, CA (Dec. 2012) (video).
- Panelist, <u>Law and Democracy: A Symposium on the Law Governing Our Democratic Process</u>, George Washington University School of Law, Washington, DC (Nov. 2012).
- Panelist, American Ideal: The Right to Vote, Beverly Hills Bar Ass'n, Los Angeles, CA (Oct. 2012).
- Panelist, *To Vote or Not to Vote: Turnout Challenges for 2012*, Pat Brown Institute of Public Affairs, Los Angeles, CA (Sept. 2012).
- Speaker, *The Initiative Process and Constitutional Change*, U. Minnesota School of Law, Minneapolis, MN (Sept. 2012).
- Panelist, <u>Are We Ready to Run Our Elections?</u>, Bipartisan Policy Center / Humphrey School of Public Policy, Washington, DC (Sept. 2012).

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SELECTED PRESENTATIONS (continued)

Panelist, <u>Foxes, Henhouses, and Commissions</u>: Assessing the Nonpartisan Model in Election Administration, Redistricting, and Campaign Finance, U.C. Irvine School of Law, Irvine, CA (Sept. 2012).

- Moderator, <u>From Austin to Albany: Redistricting in Texas and New York in 2010</u> and <u>Redistricting 2012 Legal Panel</u>, 2012 NCSL Legislative Summit, Chicago, IL (Aug. 2012).
- Moderator, *What's at Stake: Examining Voting Rights in the 21st Century*, 2012 ACS National Convention: Democracy at Stake, Washington, DC (June 2012).
- Panelist, *Redistricting Litigation*, Federalist Society Civil Rights Practice Group Podcast (Apr. 2012).
- Speaker, *Voting ID Laws: Integrity at the Ballot Box?*, American Constitution Society, UCLA Law School, Los Angeles, CA (Apr. 2012).
- Presenter, *Municipal Redistricting and Minority Representation: Democracy Outside the Box*, The Politics of Race and Place Workshop, U.C. San Diego (Feb. 2012).
- Panelist, Blocking the Vote: Voter Suppression Tactics and Responses on the Eve of the 2012 Elections, NAACP LDF Civil Rights Training Institute, Airlie Conference Center, Warrenton, VA (Oct. 2011).
- Panelist, <u>A Brave New World? California's Redistricting Experiment</u>, Institute of Governmental Studies, U.C. Berkeley, Berkeley, CA (Sept. 2011).
- Panelist, Redistricting Roundtable: Law and Politics in the New Decade, 2011 American Political Science Association Annual Meeting, Seattle, WA (Sept. 2011).
- Speaker, Emerging/Unresolved Issues in Case Law, <u>Reapportionment and Redistricting in Idaho</u> and the West, Boise State University, Boise, ID (Apr. 2011).
- Discussant, *Eligibility to Vote: Bush v. Gore, 10 Years Later*, University of California-Irvine, Laguna Beach, CA (Apr. 2011).
- Speaker, <u>Redistricting 101: What You Need to Know to Get Involved</u>, Arizona State University, Phoenix, AZ (Apr. 2011).
- Discussant, <u>Citizen Competence in Direct Democracy</u>, 2011 Midwest Political Science Association Annual Meeting, Chicago, IL (Mar. 2011).
- Panelist, <u>Citizens United: One Year Later</u>, American Constitution Society, UCLA Law School (Mar. 2011).
- Panelist, *Partisan Gerrymandering: The Legal Limitations and Lack Thereof*, NCSL National Redistricting Seminar, National Harbor, MD (Jan. 2011).

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SELECTED PRESENTATIONS (continued)

- Kickoff Speaker, *Redistricting Basics and Terminology*, NCSL National Redistricting Seminar, National Harbor, MD (Jan. 2011).
- Speaker, *Redistricting 101: Legal Concepts That Apply to the Work of California's Citizens Redistricting Commission*, California State Auditor, Sacramento, CA (Dec. 2010).
- Panelist, *Redistricting Decisions of the Last Decade*, NCSL National Redistricting Seminar, Providence, RI (Sept. 2010).
- Panelist, Symposium 2010 Helping America Vote: The Past, Present, and Future of Election Administration, NYU Journal of Legislation and Public Policy, NYU School of Law, New York, NY (Mar. 2010).
- Speaker, <u>Redistricting 101</u>: <u>Legal Concepts That Apply to the Work of California's Citizens</u>

 <u>Redistricting Commission</u>, California State Auditor, Applicant Review Panel, Sacramento, CA (Feb. 2010).
- Speaker, *Redistricting: Embracing Lines in the Public Interest*, Women in Government, 16th Annual State Directors' Conference, Dana Point, CA (Jan. 2010).
- Speaker, <u>Hot Voting Rights Topics for Municipalities: Pre-litigation Use of Alternative Voting</u>

 <u>Systems and Redistricting Consequences of Incarceration</u>, International Municipal Lawyers
 Association, Columbia, SC (Dec. 2009).
- Speaker, *Redistricting 101—An Overview and a Timeline for Success*, National Conference of State Legislatures, Chicago, IL (Oct. 2009).
- Speaker, *Census 2010: Be Counted, Be Heard*, National Latino/a Law Students' Conference, Chicago, IL (Sept. 2009).
- Panelist, Repairing our Democracy: Voter Registration Modernization and other Solutions, Netroots Nation, Pittsburgh, PA (Aug. 2009).
- Speaker, *Redistricting and the Census*, National Civic Summit, Minneapolis, MN (July 2009).
- Speaker, *Political Participation: Problems and Promise*, American Constitution Society, UCLA School of Law, Los Angeles, CA (Feb. 2008).
- Panelist, Can Legislation Bring Democracy to America's Capital?, American Constitution Society, Columbia Law School, New York, NY (Feb. 2007).
- Discussant, *Making Every Vote Count: Federal Election Legislation in the States*, Policy Research Institute for the Region, Princeton University, Princeton, NJ (Apr. 2006).
- Speaker, Youth Voter Mobilization and Civic Engagement, American Democracy Institute, Philadelphia, PA (Feb. 2006).

JUSTIN LEVITT Page 13 of 15

SELECTED MEDIA APPEARANCES

Gerrymandering: A New Documentary Film, Green Film Company (2010).

Citizenship Question: Political Power Shift?, Smerconish, CNN (Jan. 2018).

Voter Fraud Allegations Threaten Election Integrity, Fox News (Oct. 2014).

So What Are Voter ID Laws Even For?, All In With Chris Hayes, MSNBC (Aug. 2014).

Supreme Court civil rights decisions, TAVIS SMILEY, PBS (June 2013).

Affordable Care Act cases, KTLA 5 TV (June 2012).

The Gerrymandering Project: California, FIVETHIRTY EIGHT POLITICS (Jan. 2018).

The Political Lines That Divide Us, Innovation Hub, WGBH (Oct. 2017).

The Political Thicket, More Perfect, RADIOLAB/WNYC (Sept. 2017).

Gerrymandering: America's Most Dangerous Maps?, 1A, NPR (Apr. 2017).

Justice Department Voting Rights Unit Adapts After Supreme Court Ruling, NPR (Mar. 2016).

Court Sides With President Over Congress In 'Jerusalem' Passport Dispute, NPR (June 2015).

The Voting Wars: Who's Winning? Who's Losing?, KCRW (Oct. 2014).

A.G. Eric Holder on Collision Course with Texas On Voting Rights, To the Point, NPR (July 2013).

California Initiative Process Might Face New Scrutiny After Prop. 8 Ruling, KQED (June 2013).

Fronteras Vote 2012, NPR (May 2012).

Voter ID Debate Ramping Up Again For 2012, Talk of the Nation, NPR (May 2011).

Cited as election law expert by more than 290 different publications, TV and radio stations, and news services, including Fox News, MSNBC, CNN, CBS, NPR and its local affiliates, the Associated Press, Reuters, Bloomberg, New York Times, Wall St. Journal, Washington Post, New Yorker, USA Today, Huffington Post, The Hill, The Nation, The Atlantic, National Journal, Politico, Vox, Salon, Slate, Time, Los Angeles Times, Sacramento Bee, Miami Herald, Kansas City Star, Houston Chronicle, Chicago Tribune, Palm Beach Post, Milwaukee Journal-Sentinel, Minneapolis Star-Tribune, and Atlanta Journal-Constitution.

Also cited as election expert by Samantha Bee, Stephen Colbert, Seth Meyers, and John Oliver.

JUSTIN LEVITT Page 14 of 15

SELECTED OPINION

Reliving the 2000 Election — and Learning the Wrong Lessons, HARV. L. REV. BLOG, Nov. 20, 2018.

For Progressives, There's a Bright Side to Brett Kavanaugh's Supreme Court Nomination, USA TODAY, July 10, 2018.

The Fight to End Partisan Gerrymandering is Far From Over, WASH. POST, June 19, 2018.

How Trump's Citizenship Question May Hurt the G.O.P., N.Y. TIMES, Apr. 3, 2018.

Intent is Enough, SCOTUSBLOG, Aug. 9, 2017.

All Your Voter Data Are Belong to Us, TAKE CARE BLOG, July 2, 2017.

The Voting Rights Act Turns 50. And Also 40., CAL. FORWARD, Aug. 6, 2015 (w/ Dean Logan).

<u>A Comprehensive Investigation of Voter Impersonation Finds 31 Credible Incidents Out of One</u>
<u>Billion Ballots Cast</u>, Wash. Post Wonkblog, Aug. 6, 2014.

Why McCutcheon is Bad News for Millionaires, POLITICO, Apr. 2, 2014.

A Broken Election System Becomes a Teenager, PACIFIC STANDARD, Dec. 12, 2013.

Voter ID Update: the Diversity in the Details, Constitution Daily, Oct. 30, 2013.

Aggregate Limits and the Fight Over Frame, SCOTUSBLOG, Aug. 16, 2013.

Shadowboxing and Unintended Consequences, SCOTUSBLOG, June 25, 2013.

The Danger of Voter Fraud Vigilantes, N.Y. TIMES, Oct. 29, 2012.

Supreme Court Messes With Texas, Voting Rights, MILLER-McCune, Jan. 9, 2012.

The Real Victims of Election ID Laws, POLITICO, June 14, 2011.

Karl Rove Is Right About Importance of Local Elections, ROLL CALL, Mar. 23, 2010.

The Voting Rights Act, Through the Looking Glass, ACSBLOG, June 9, 2009.

The Hanging Chad of 2008, HUFFINGTON POST, July 3, 2008.

The Myth of Voter Fraud, WASH. POST, Mar. 29, 2007 (with Michael Waldman).

Raising the Dead Voter Hoax, TomPaine.com, Oct. 31, 2006.

Occasional contributions to <u>Summary Judgments</u>, the <u>Election Law Blog</u>, and the Brennan Center for Justice blog.

JUSTIN LEVITT Page 15 of 15

SELECTED PROFESSIONAL SERVICE

Board of Directors, Fair Elections Center

Advisory Board, Access Democracy

Advisory Committee, Los Angeles County Voting Systems Assessment Project

Advisory Board, Prison Policy Initiative (through August 2015)

Board of Advisors, VoteRiders

Counsel, John R. Dunne et al., Amicus Brief, *Dep't of Commerce v. New York*, Case No. 18-966 (U.S. Apr. 1, 2019).

Counsel, NAACP LDF et al., <u>Amicus Brief</u>, *Rucho v. Common Cause / Lamone v. Benisek*, Case Nos. 18-422, 18-726 (U.S. Mar. 8, 2019).

Counsel, Scholars and Historians of Congressional Redistricting, <u>Amicus Brief</u>, *Ariz. State Legis. v. Ariz. Ind. Redistricting Comm'n*, Case No. 13-1314 (U.S. Jan. 23, 2015).

Counsel, Current and Former Election Officials, Amicus Brief, *Arcia v. Detzner*, Case No. 12-15738-EE (11th Cir. 2012).

Peer Reviewer, Election Law Journal; Politics and Governance Journal

BAR ADMISSIONS

California State Bar

New Jersey State Bar

New York State Bar

Washington, DC Bar (*Inactive*)

U.S. District Court for the Central District of California

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Eleventh Circuit

Supreme Court of the United States



INVOICE

Law Offices of Kevin Shenkman

28905 Wight Rd.

Malibu, CA 90265

JOB SSR1066

LIVE TELEPHONE VOTER SURVEY

400 Registered Voters – City of Santa Monica, CA

PDI sample

Field 4/11-16, 2018

TOTAL SURVEY COST \$17,250.00

TOTAL DUE UPON RECEIPT \$17,250.00

Please Remit Payment to

Sextant Strategies & Research

3020 Lansbury Avenue

Claremont, CA 91711

Questions? - contact Jonathan Brown (909) 973-5567 or jb@sextant-research.com



INVOICE

August 8, 2018

Jonathan Brown – expert testimony in Pico Neighborhood Association and Maria Loya v. City of Santa Monica

July 2, 2018

Preparation for deposition 5.0 hours \$ 2500.00

July 3, 2018

Preparation for deposition 3.5 hours \$ 1750.00

July 5, 2018

Preparation prior to deposition 1.5 hours \$ 750.00

TOTAL \$5,000.00

Please Remit Payment to

Sextant Strategies & Research 3020 Lansbury Avenue Claremont, CA 91711

Questions? – contact Jonathan Brown (909) 973-5567 or jb@sextant-research.com



INVOICE

September 13, 2018

Jonathan Brown – expert testimony in Pico Neighborhood Association and Maria Loya v. City of Santa Monica

August 2, 2018		
Review deposition transcript	1.5 hours	\$ 750.00
August 3, 2018		
Preparation for testimony	1.5 hours	\$ 750.00
August 3, 2018		
Present all day (not called)	5.5 hours	\$2,750.00
August 6, 2018		
Present until 3:30 (testified)	6.5 hours	\$3,750.00

TOTAL \$8,000.00

Please Remit Payment to

Sextant Strategies & Research 3020 Lansbury Avenue Claremont, CA 91711

Questions? – contact Jonathan Brown (909) 973-5567 or jb@sextant-research.com

FEES

Prof. Justin Levitt Time and Expense Report 2017-2019

Pico Neighborhood Assn. v. Santa Monica

PICO INC	igiiboiiloou	ASSII.	v. Suntu	IVIOIIICU

Date	Time	Amount	Hourly rate	Description of Services Rendered
4/6/2017	0.8	600.00	750.0	review of filings, call w/ counsel (0.8)
4/13/2017	4.2	3150.00	750.0	review of filings, discussion w/ counsel (4.2)
5/7/2017	0.8	600.00	750.0	review of filings (0.8)
5/8/2017	2.1	1575.00	750.0	review of filings (1.4), discussion w/ counsel (0.7)
5/19/2017	0.4	300.00	750.0	review of filings (0.4)
9/23/2017	0.1	75.00	750.0	discussion w/ counsel (0.1)
3/6/2018	0.4	300.00	750.0	discussion w/ counsel (0.4)
3/10/2018	0.1	75.00	750.0	discussion w/ counsel (0.1)
3/12/2018	0.3	225.00	750.0	review of research (0.3)
3/13/2018	0.2	150.00	750.0	review of research (0.2)
3/14/2018	0.9	675.00	750.0	research (0.6), discussion w/ counsel (0.3)
3/16/2018	0.3	225.00	750.0	discussion w/ counsel (0.3)
3/29/2018	0.6	450.00	750.0	review of filings (0.6)
4/6/2018	0.2	150.00	750.0	discussion w/ counsel (0.2)
4/10/2018	0.6	450.00	750.0	discussion w/ counsel (0.6)
4/11/2018	0.1	75.00	750.0	discussion w/ counsel (0.1)
5/7/2018	2.1	1575.00	750.0	review of filings (2.1)
5/13/2018	5.6	4200.00	750.0	review of filings and research (5.4), discussion w/ counsel (0.2)
5/14/2018	7.3	5475.00	750.0	review of filings, research, drafting of declaration (7.3)
5/15/2018	0.7	525.00	750.0	review of declaration, other filings (0.4), discussion w/ counsel (0.3)
5/20/2018	2.4	1800.00	750.0	review of declaration, other filings (2.4)
5/21/2018	0.4	300.00	750.0	review of declaration, other filings (0.4)
5/22/2018	1.1	825.00	750.0	review of declaration, other filings (0.8), discussion w/ counsel (0.3)
5/23/2018	0.3	225.00	750.0	review of declaration, discussion w/ counsel (0.3)
5/24/2018	0.1	75.00	750.0	review of declaration (0.1)
6/7/2018	0.7	525.00	750.0	review of filings (0.7)
6/13/2018	0.1	75.00	750.0	discussion w/ counsel (0.1)
6/14/2018	1.7	1275.00	750.0	discussion of evidence for trial w/ counsel (1.7)
6/21/2018	0.1	75.00	750.0	discussion w/ counsel (0.1)
6/29/2018	1.6	1200.00	750.0	review of filings, data for potential deposition (1.1), discussion w/ counsel (0.5)
7/2/2018	2.2	1650.00	750.0	discussion of evidence for trial w/ counsel (1.9), expert (0.3)
7/3/2018	1.8	1350.00	750.0	review of expert, underlying materials (1.8)
7/5/2018	0.8	600.00	750.0	discussion w/ local witness (0.8)
7/6/2018	1.4	1050.00	750.0	discussion w/ counsel (0.1), review of materials (1.3)
7/9/2018	8.0	600.00	750.0	compilation of materials (0.8)

FEES

Prof. Justin Levitt Time and Expense Report 2017-2019

Pico Neighborhood Assn. v. Santa Monica

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Date	Time	Amount	Hourly rate	Description of Services Rendered
7/10/2018	0.6	450.00	750.0	compilation of materials (0.2), review of materials for deposition (0.2), discussion w/ counsel (0.2)
7/12/2018	5.6	4200.00	750.0	review of materials for deposition (5.3), discussion w/ counsel (0.3)
7/13/2018				deposition
7/16/2018	0.3	225.00	750.0	discussion w/ counsel (0.3)
7/17/2018	0.5	375.00	750.0	review of materials for deposition (0.5)
7/22/2018	0.2	150.00	750.0	discussion w/ counsel (0.2)
7/24/2018	0.3	225.00	750.0	discussion w/ counsel (0.3)
7/25/2018	3.9	2925.00	750.0	review, correction of deposition transcript (3.9)
7/26/2018	0.1	75.00	750.0	discussion w/ counsel (0.1)
7/27/2018	0.1	75.00	750.0	discussion w/ counsel (0.1)
7/28/2018	0.3	225.00	750.0	review of materials, discussion w/ counsel (0.3)
7/30/2018	3.4	2550.00	750.0	review of filings (3.4)
8/2/2018	0.2	150.00	750.0	discussion w/ counsel (0.2)
8/3/2018	1.6	1200.00	750.0	discussion w/ counsel (1.6)
8/4/2018	1.9	1425.00	750.0	review of filings (0.5), discussion w/ counsel (1.4)
8/5/2018	0.6	450.00	750.0	discussion w/ local witness (0.2), review of materials (0.4)
8/6/2018	0.1	75.00	750.0	discussion w/ counsel (0.1)
8/7/2018	2.6	1950.00	750.0	discussion w/ counsel (2.6)
8/8/2018	0.8	600.00	750.0	discussion w/ local witness (0.8)
8/9/2018	3.5	2625.00	750.0	discussion w/ counsel (3.5)
8/12/2018	2.3	1725.00	750.0	review of materials for testimony (2.3)
8/13/2018	0.1	75.00	750.0	discussion w/ counsel (0.1)
8/14/2018	0.1	75.00	750.0	discussion w/ counsel, witness (0.1)
8/15/2018	0.8	600.00	750.0	review of "glossary" (0.8)
8/16/2018	0.1	75.00	750.0	discussion w/ counsel (0.1)
8/17/2018	0.1	75.00	750.0	discussion w/ counsel (0.1)
8/21/2018	2.7	2025.00	750.0	review of materials for testimony, discussion w/ counsel (2.7)
8/22/2018	0.3	225.00	750.0	discussion w/ counsel (0.3)
8/23/2018	2.8	2100.00	750.0	review of potential anticipated motions (0.6), discussion w/ counsel (2.2)
8/24/2018	6.9	5175.00	750.0	waiting for testimony/discussion with counsel, and testimony (6.9)
8/27/2018	0.2	150.00	750.0	discussion w/ counsel (0.2)
8/28/2018	7.2	5400.00	750.0	discussion w/ counsel (3.2), trial (4.0)
8/29/2018	5.9	4425.00	750.0	trial (3.1), waiting for testimony/discussion w/ counsel (2.8)
9/23/2018	2.4	1800.00	750.0	review of filings (2.4)
10/15/2018	0.2	150.00	750.0	review of filings (0.2)
10/18/2018	1.0	750.00	750.0	review of filings (1.0)

Prof. Justin Levitt Time and Expense Report 2017-2019

Pico Neighborhood Assn. v. Santa Monica

FEES

	Date	Time	Amount	Hourly rate	Description of Services Rendered
	10/19/2018	0.8	600.00	750.0	discussion w/ counsel (0.8)
	10/24/2018	1.6	1200.00	750.0	review of filings (1.6)
	11/13/2018	0.4	300.00	750.0	discussion w/ counsel (0.4)
	11/15/2018	0.4	300.00	750.0	discussion w/ counsel (0.4)
	11/17/2018	6.4	4800.00	750.0	drafting declaration (6.4)
	11/18/2018	0.7	525.00	750.0	review of filings (0.7)
	11/19/2018	0.2	150.00	750.0	preparation of declaration, discussion w/ counsel (0.2)
	11/26/2018	0.1	75.00	750.0	discussion w/ counsel (0.1)
	12/3/2018	0.4	300.00	750.0	review of filings (0.4)
	12/7/2018	0.1	75.00	750.0	discussion w/ counsel (0.1)
	12/30/2018	0.6	450.00	750.0	review of filings (0.6)
	12/31/2018	5.4	4050.00	750.0	review of filings (5.4)
	2/15/2019	0.4	300.00	750.0	review of filings (0.4)
	2/16/2019	0.6	450.00	750.0	review of filings (0.6)
	3/22/2019	0.7	525.00	750.0	discussion w/ counsel (0.7)
Subtotal		121.80	91350.00		

COSTS

Date	Amount	Description of Costs
7/13/2018	20.00	lunch at deposition
8/9/2018	10.00	parking
8/21/2018	15.00	parking
8/24/2018	17.00	Uber
8/29/2018	18.00	parking
Subtotal	80.00	

ate F	From To	total hours	focus
2015			
	1:30-5 p.m.	3.5	phone conversation with lawyers
	12-5 p.m.	5	meeting with lawyers
	L1 a.m 5:15 p.m.	6.25	"
	I1:15 a.m 3:15 p.m.	4	п
	·	5	п
	12:30 - 5:30 p.m.		ii
	1-4:30 p.m.	3.5	
	L - 5 p.m.	4	"
	l0-11:30 p.m.	1.5	calculations with election data
9-Aug 8	3:30 - 11:30 p.m.	3	II
13-Aug 7	7:15-11:30 p.m.	4.25	II .
19-Aug 9	9-11:15 p.m.	2.25	п
22-Aug 9	9:30 - 11:15 p.m	1.75	п
24-Aug 9	9-10 p.m.	1	п
25-Aug 8	3-9:15 p.m.	1.25	phone conversation with lawyers
2017			
30-Jan 6	5:30-7:15	0.75	phone conversation with lawyers
	L-3:30 p.m.	2.5	calculations with election data
	LO p.m 12 a.m.	2	II
			п
	1:45-3:45, 11 p.m 12:15 a.m.	3.25	
-	5:30-6, 10:30-11:30 p.m.	1.5	phone conversation with lawyers
	l1 p.m12 a.m.	1	calculations with election data
	5-6, 11 p.m 12:15 a.m.	2.25	
	3:30-7:30 pm.	4	
19-May 1	l1:15 p.m 12:15 a.m.	1	п
20-May 1	LO p.m 12 a.m.	2	п
23-May 1	L:30 - 2:15 p.m.	0.75	п
29-May 6	5-7 p.m.	1	II.
	5:30-6:45 p.m.	1.25	п
	12-1:30 p.m.	1.5	phone conversation with lawyers
15-Nov 1		2	"
	3-9:30 a.m., 12-1:15 p.m.	2.75	п
			phono conversation with lawyers, calculations
	12-1 p.m., 10 p.m12 a.m.	3	phone conversation with lawyers, calculations
	2-5:30 p.m.	3.5	п
29-Dec 2	2:30-5:45 p.m.	3.25	
2018			
16-Jan 1	I2:15 - 12:30 p.m.	0.25	phone conversation with lawyers
31-Jan 1	L0:30 p12:15 a.m.	1.75	II .
8-Feb 1	l1 p.m 12 a.m.	1	calculations with election data
9-Feb 1	l1 p.m 12:30 a.m.	1.5	
10-Feb 2	2-6, 10 p.m12 a.m.	6	п
	10-10:30 a.m., 4-7:30, 10 p.m 12:30 a.m.	6.5	п
	9-10 a.m., 11 a.m - 1:30 pm., 2-4:30 pm., 7:30-8:30,	. 7	п
	L0:30 a.m 4:30 p.m.	6	phone conversation with lawyers, calculations
	LO a.m 3:45 p.m.	5.75	"
	5:30-7 p.m.	1.5	phone conversation with lawyers
	•		phone conversation with lawyers
	10:30 - 11:30 a.m., 4:30-5:30 p.m.	2	
	5:30-7 p.m.	0.5	
•	12-3 p.m.	3	phone conversation with lawyers, calculations
	12 - 6 p.m.	6	п
7-Apr 4	1:30-8, 11 p.m 12 a.m.	4.5	calculations with election data
	1:30-8:30, 11 p.m 12 a.m.	5	II.
	3:30-9 p.m.	5.5	phone conversation with lawyers, calculations
	5-6:30 p.m.	0.5	phone conversation with lawyers
	5-7:45 p.m.	1.75	
	12-5:30 p.m.	5.5	meeting with lawyers, calculations with election data
	3:45 - 5 p.m.	1.25	calculations with election data
•	•		
	12-5:45 p.m.	5.75	meeting with lawyers, calculations with election data, writing paper
	l1 a.m 4:30 p.m.	5.5	
	l1 a.m 4:15 p.m.	5.25	II
3-May 4	1-5, 6-8, 10 p.m 12:15 a.m.	4.25	calculations with election data
4-May 4	1-6:30, 9-11:30	5	п
	1-7, 9 p.m 12 a.m.	6	n .
	l1 p.m 12:15 a.m.	1.25	phone conversation with lawyers
	1-6:30, 11p.m 12:30 a.m.	4	reviewing 1992 paper
	5-8, 10 p.m 12 a.m.	5	reading newspapers
	2:30-5:30 p.m.	3	II
			writing paper, doing come calculations
	1:30-7:15, 10:30 p.m 12 a.m.	4.25	writing paper, doing some calculations
	10 a.m-7:30 p.m., 10:30 p.m 12 a.m.	11	meeting with lawyers, calculations with election data, writing paper
	5-7:30, 10:30 p.m 12:30 a.m.	4.5	writing paper
14-May 5	5-8, 10:30 p.m 12 a.m.	4.5	п
16-May 5	5:30-7:30, 10:30 p.m12 a.m.	3.5	п
	5-7:30, 10 p.m 12 a.m.	4.5	п
	1:30-7, 10 p.m 12 a.m.	4.5	п
18-IVIAV 4	•		writing paper, continuing newspaper research
	1:30-8, 10 p.m 12:30 a.m.	n	
19-May 4	1:30-8, 10 p.m 12:30 a.m. 1-8, 10 p.m 12 a.m.	6	
19-May 4 20-May 4	1:30-8, 10 p.m 12:30 a.m. 1-8, 10 p.m 12 a.m. 1-8, 10 p.m 12 a.m.	6 6	writing paper, continuing newspaper research writing paper

23-May 2-4, 6-7, 11 p.m 12:30 a.m.	4.5	writing paper, continuing newspaper research
24-May 2-4, 10:30 p.m12:30 a.m.	4	writing paper
25-May 3-7:30, 9:30 p.m 12:30 a.m	6.5	"
26-May 1-3, 4-6:30, 10 p.m12 a.m.	6.5	п
27-May 4:30-6:30, 10 p.m 12 a.m.	4	п
28-May 3-7, 9:30 p.m 12:30 a.m.	8	п
29-May 9-11:30 a.m., 2-11 p.m.	11.5	п
30-May 2-6 p.m.	4	revising paper
11-Jun 12-1 p.m.	1	phone conversation with lawyers
12-Jun 12:15-12:45 p.m.	0.5	"
13-Jun 11 a.m 12 p.m., 12:30-1:15, 7-7:30 p.m. 22-Jun 6:45-7:30 p.m.	2.25 0.75	reading testimony by Jeff Lewis in other case phone conversation with lawyers
26-Jun 11 a.m 5 p.m.	6	preparing for deposition
1-Jul 2:30-3:30 p.m.	1	reading report by Jeff Lewis
2-Jul 2-5 p.m.	3	"
3-Jul 3:30 - 4 p.m.	0.5	phone conversations with lawyers
4-Jul 12-2, 3- 6:30 p.m.	5.5	reading reports by Jeff Lewis, Peter Morrison, some calculations
6-Jul 11-12:30, 2-3, 3:30-6:45 p.m., 11 p.m 12:45 a.m.	7	writing, reading more newspaper articles
7-Jul 9:30 a.m5:45 p.m.	8.25	reading report by Lewis, writing notes, work with lawyers about need for intent expert
8-Jul 12:30 - 5:30 p.m.	5	reading final version of my report, work with lawyers about need for intent expert
9-Jul 2:30-6, 10 p.m 12 a.m.	5.5	preparing for deposition
10-Jul 5:30-6:30, 11 p.m 12 a.m.	2	reviewing materials and report, preparing for deposition
11-Jul 10:30 a.m 3:15 p.m.	4.75	work with lawyers about need for intent expert
12-Jul 2:30-6:30 p.m.	4	reviewing materials and report, preparing for deposition
13-Jul 11 a.m 1 p.m., 2-6:30, 10:30 p.m12 a.m.	8	
14-Jul	2	Deposition travel
15-Jul 11 a.m 1 p.m., 1:30-2:45, 4-6:30, 10 p.m 12 a.m. 16-Jul 9 a.m 12 p.m., 2 p.m 12:15 a.m.	7.5 13.25	reviewing materials and report, preparing for further deposition watching and taking notes on 1992 City Council meeting, reviewing materials and repor, preparing for f
17-Jul 7:30 a.m12 p.m., 2 p.m 12:13 a.m.	13.75	watching and taking notes on 1392 City Council meeting, reviewing materials and repor, preparing for r
17-5ui 7.50 a.m12 p.m., 2 - 11.15 p.m. 18-Jul	2	Deposition travel
24-Jul 11 a.m 5:30 p.m.	6.5	meet with lawyers
25-Jul 5-7, 10 p.m 12 a.m.	4	proofreading deposition
26-Jul 5-7,10-11:30 p.m.	3.5	proofreading deposition, consulting with lawyers, reading other documents
27-Jul 4-6:30, 9:30-11:45 p.m.	4.75	preparing for testimony
28-Jul 3:30-6:30, 9:30 p.m 12 a.m.	5.5	" -
29-Jul 3:30-7:15, 10-11:45 p.m.	5.5	preparing for testimony, consulting with lawyers
30-Jul 2-4, 5-6:30, 10-11:30	5	п
31-Jul 2-6:30 p.m.	4.5	п
1-Aug 4:30-6:30, 10-11:30 p.m.	3.5	II
2-Aug 3:30-6:30, 9:30-11:30 p.m.	5	•
3-Aug 3-4 p.m.	1	phone conversations with lawyers
4-Aug 1-5:15 p.m.	4.25	preparing for testimony
5-Aug 2-6:30, 9:30-11 p.m.	6 6	+viol
6-Aug 11 a.m 5 p.m. 7-Aug 8 a.m 4 p.m.	8	trial
8-Aug 8 a.m 4 p.m.	8	п
9-Aug 9 a.m 4:30 p.m.	7.5	п
10-Aug 9 a.m 4:30 p.m., 11 p.m 12:30 a.m.	9	п
12-Aug 3:30-5:15 p.m.	1.75	preparing for testimony
13-Aug 9 a.m 6 p.m.	9	trial
14-Aug 3:30-5:30, 9:30-11 p.m.	3.5	preparing for testimony
15-Aug 9 a.m 5 p.m.	8	trial
16-Aug 8 a.m 4 p.m.	8	II
17-Aug 9 a.m 3 p.m.	6	II
20-Aug 9:15 a.m 12:45 p.m.	3.5	
21-Aug 4:30-5:30, 9:30 p.m 12 a.m.	3.5	assisting lawyers with examinations of other experts
23-Aug 4-6:30, 9:30 p.m 12 a.m. 24-Aug 11:30 a.m 12:30 p.m., 3-4, 4:30-6,	5	
24-Aug 11:30 a.m 12:30 p.m., 3-4, 4:30-6, 26-Aug 5:30-6 p.m.	3.5 0.5	phone conversations with lawyers
28-Aug 12-12:30 p.m.	0.5	priorie conversations with lawyers
3-Sep 12-2, 6:30-7:15, 9-10:30 p.m.	4.25	assisting lawyers with examinations of other experts
4-Sep 9-11:15 p.m.	2.25	"
7-Sep 2:30-4:30, 9 p.m 12 a.m.	5	п
8-Sep 3:30-7, 9 p.m 12:30 a.m.	7	assisting lawyers
9-Sep 3:30-6, 10:30 p.m12:15 a.m.	4.25	п
10-Sep 11-12:30, 2-4, 5-6, 10 p.m 1 a.m.	6.5	п
13-Sep 11:30 a.m 12:30 p.m.	1	meet with lawyers
20-Oct 3-5 p.m.	2	reading, commenting on legal documents
21-Oct 4-7 p.m.	2.5	II
1-Dec 3-4 p.m.	1	phone conversations with lawyers
2-Dec 10-11:30 p.m.	1.5	reading, commenting on legal documents
21-Dec 10 p.m 12 a.m.	2	"
22-Dec 5-7:30 p.m. 26-Dec 10-11:15 p.m.	2.5 1.25	" II
26-Dec 10-11:15 p.m. 27-Dec 9-10 p.m.	1.25	II.
29-Dec 9-10:30 p.m.	1.5	п
•	-	



Compass Demographics Inc

INVOICE

David Ely 6575 N Vista Street San Gabriel, CA 91775 Phone (626) 285-3074

Email Ely@Compass-Demographics.com

BILL TO:

Kevin Shenkman Shenkman & Hughes 28905 Wight Road Malibu, CA 90265 **DATE:** March 10, 2019 **INVOICE #** 190407A

FOR: PNA V Santa Monica

CVRA analysis

DESCRIPTION	QUANTITY	RATE		AMOUNT
CVRA - Database,Analysis,Mapping and Testimony	324.50	\$300	\$	97,350.00
Political Data Inc.			\$	132.76
Political Data Inc.			•	.32 6
		TOTAL	\$	97,482.76

Please make checks payable to Compass Demographics Inc. (EIN 90-0877169) For questions regarding the services covered by this invoice, please contact Dave Ely at (626) 285-3074.

THANK YOU FOR YOUR BUSINESS!

Date	Task	Hours	
	Meet with M. Hughes	i ioui s	4.5
	Initial Database Geography		5.75
	Geographic data review and testing		5.5
	Election Data processing		2.5
	Election Data processing		2.75
	Election Data review and testing		3
	Meet with M. Hughes		5
	Election Data processing		6
	Election Data processing		3.25
	Election Data processing		3.75
	Election Data processing		3
	Election Data processing		2.5
	Election Data review and testing		6.75
	Meet with M. Hughes		5.5
	Preliminary review of remedy effectiveness		5
	Census Geographic data		6.75
	Census Demographic data processing		2.25
	Census Demographic data processing		2.5
	Election data processing		4
	Geo and Election Data update		6.25
	Election Data review and testing		2.5
	Election Data processing		5.75
	Election Data review and testing		3
	Election Data review and testing		1.5
	Historical Census research		3
5/23/2017	Candidate address preliminary analysis		3.25
	Meeting with K. Shenkman and J. Jones		4
	Meeting with J. Jones		5.25
	Meeting with J. Jones		6
	Meeting with J. Jones		4.75
	Meeting with J. Jones		5.5
	Meeting with J. Jones		6
7/5/2017	Meeting with J. Jones		3.25
7/10/2017	Meeting with J. Jones		7.25
7/11/2017	Meeting with J. Jones		6
7/24/2017	Geographic data supplement		1.5
7/25/2017	Meet with K. Shenkman, A. Alarcon and A. Gonzalez		4
7/26/2017	Geographic data review and testing		6.25
10/16/2017	Election Data update		3
12/29/2017	Demographic data update and merge		6.75
1/5/2018	Election Data update		5.5
2/12/2018	Geographic analysis		5.25
2/13/2018	Geographic analysis		2.5
3/16/2018	Work with K. Shenkman on case and report		3
3/19/2018	Work with K. Shenkman on case and report		2
	Election recreations		4
	SJ opposition, review and analysis		2.75
	SJ opposition, review and analysis		4.5
	SJ opposition, review and analysis		3.5
	SJ opposition, review and analysis		4.75
	SJ opposition, review and analysis		5
	Meet with K. Shenkman, A. Alarcon and A. Sanchez		3.5
	SJ opposition, review and analysis		3.25
5/9/2018	Meet with M. Hughes		4.25

5/14/2018	SJ opposition, review and analysis	3.75
5/17/2018	SJ opposition, review and analysis	3.5
5/22/2018	SJ opposition, review and analysis	3
5/27/2018	SJ opposition, review and analysis	5.5
5/29/2018	SJ opposition, review and analysis	6.25
5/30/2018	SJ opposition, review and analysis	2.5
6/12/2018	Defendant expert review	1.75
7/3/2018	Meet with M. Grimes, K. Shenkman and T. Crane	6.5
7/5/2018	Meet with M. Grimes, M. Hughes and K. Shenkman	4
7/9/2018	Depo prep, analysis and review	2.75
7/10/2018	Depo prep, analysis and review	6
7/12/2018	Deposition travel	2.25
7/13/2018	Declaration prep, analysis and review	6.5
7/23/2018	Declaration prep, analysis and review	2
7/27/2018	Declaration prep, analysis and review	6
7/30/2018	Declaration prep, analysis and review	4
7/31/2018	Declaration prep, analysis and review	5.5
8/1/2018	Trial Prep	4.5
8/2/2018	Trial Prep and Testimony	5.75
8/3/2018	Trial Prep and Testimony	9
8/6/2018	Consult for Morrison crossexam	3
12/3/2018	Remedy Brief	3.75
1/18/2019	Remedy review	2.5
	Total	324.5
	@\$300/hr	\$ 97,350.00

Date	Parking	Mileage	Purpose
6/30/15 – SHENKMAN		25.71	Meeting with potential plaintiffs
7/7/15 – Hughes		61.17	Meeting with expert
7/10/15 – Hughes		67.24	Meeting with expert
7/13/15 – Hughes		61.17	Meeting with expert
7/14/15 – Hughes		61.17	Meeting with expert
7/27/15 – Hughes		67.24	Meeting with expert
7/29/15 – Hughes		61.17	Meeting with expert
8/3/15 – Hughes		61.17	Meeting with expert
8/5/15 – Hughes		61.17	Meeting with expert
8/13/15 – Hughes		67.24	Meeting with expert
9/4/15 – SHENKMAN		25.71	Meeting with potential plaintiffs
9/9/15 - SHENKMAN		28.59	Meeting with potential plaintiffs and community activists
9/14/15 – SHENKMAN		25.71	Meeting with potential plaintiff
9/29/15 – SHENKMAN		25.71	Meeting with potential plaintiffs and community activists
10/15/15 – SHENKMAN		25.71	Meeting with potential plaintiffs and community activists
10/16/15 – SHENKMAN		21.66	Meeting with potential plaintiffs
10/30/15 – SHENKMAN		25.71	Meeting with potential plaintiffs
11/3/15 – SHENKMAN		25.71	Meeting with potential plaintiffs and community activists
11/17/15 – SHENKMAN		25.71	Meeting with Santa Monica council member
12/15/15 – SHENKMAN		25.71	Meeting with potential plaintiffs and community activists
1/4/16 – SHENKMAN		25.59	Meeting with potential plaintiffs and community activists
1/12/16 – SHENKMAN	10.00	25.71	City council meeting
2/22/16 – Hughes		67.24	Meeting with expert
5/11/16 - Shenkman		14.28	Meeting with Santa Monica airport coalition counsel
5/12/16 – SHENKMAN		25.71	Meeting with clients
6/3/16 – SHENKMAN		25.71	Meeting with clients
7/1/16 – SHENKMAN		25.71	Meeting with clients
8/9/16 – SHENKMAN		32.61	Meeting with clients and co-counsel
8/10/16 – SHENKMAN	18.00	38.08	Case management conference
8/11/16 – SHENKMAN		25.71	Meeting with client
9/2/16 – SHENKMAN		25.71	Meeting with Pico Neighborhood Assn board
9/20/16 – SHENKMAN		104.36	Deposition
10/6/16 – SHENKMAN		104.36	Deposition
10/10/16 – SHENKMAN		104.36	Meeting with co-counsel
10/20/16 – SHENKMAN		25.71	Meet with clients
11/1/16 – SHENKMAN	18.00	38.08	Ex parte application hearing
11/2/16 – SHENKMAN		32.61	Meeting with potential expert
11/15/16 - SHENKMAN		104.36	Deposition
11/29/16 – SHENKMAN	18.00	38.08	Ex parte application hearing
11/30/16 – SHENKMAN		43.79	Meeting with CVUSD constituents
12/13/16 – SHENKMAN	1.00	25.71	Meeting with clients
12/14/16 – SHENKMAN	1.00	25.71	Meeting with clients
12/16/16 – SHENKMAN		104.36	Deposition

12/19/16 – SHENKMAN		25.71	Meeting with clients
1/11/17 – Hughes		25.71	Document review
1/12/17 – SHENKMAN		25.71	Document review
1/15/17 – SHENKMAN		25.71	Document review
1/18/17 – SHENKMAN		25.71	Document production
1/19/17 - SHENKMAN		25.71	Meeting with Pico Neighborhood Assn board
1/25/17 - SHENKMAN		25.71	Meeting with S. Duron
2/3/17 – SHENKMAN	18.00	38.08	Motion hearing
2/24/17 - SHENKMAN	10.00	25.71	Meet with Pico Neighborhood Assn board
3/6/17 - SHENKMAN		25.71	Meet with T. Crane
3/13/17 - SHENKMAN		25.71	Neighborhood group meeting
3/14/17 – SHENKMAN		34.03	Meet with A. Gonzalez
4/13/17 - SHENKMAN		38.08	Meet with A. Gonzalez Meet with expert
5/24/17 – Shenkman	32.00	46.17	Discovery referee hearing
5/30/17 – SHENKMAN	32.00	32.61	Deposition Deposition
6/2/17 - SHENKMAN	18.00	38.08	Meet with CDP officials
6/5/17 - SHENKMAN	18.00	25.71	Meet with co-counsel
6/6/17 - SHENKMAN		25.71	Motion hearing
6/7/17 – SHENKMAN	18.00	38.08	
	18.00	67.24	Meeting with PNA board Meet with expert
6/8/17 – SHENKMAN		67.24	·
6/8/17 - ALARCON	18.00		Meet with expert
6/12/17 - SHENKMAN		38.08	Voice of America filming
6/21/17 - SHENKMAN	18.00	38.08	Status conference
7/6/17 - SHENKMAN		25.71	Neighborhood group meeting
7/25/17 - SHENKMAN		67.24	Meet with A. Gonzalez and expert
7/25/17 – ALARCON		67.24	Meet with A. Gonzalez and expert
7/28/17 – SHENKMAN		32.61	Meeting with clients
8/11/17 – SHENKMAN		104.36	Deposition
8/14/17 – SHENKMAN		25.71	Meeting with clients
8/18/17 – SHENKMAN		138.04	Meeting with E. Sanchez and O. de la Torre
8/24/17 - SHENKMAN	40.00	16.07	Meet with T. Crane and P. Brock
8/25/17 - SHENKMAN	18.00	38.08	Discovery referee hearing
9/18/17 - SHENKMAN	18.00	38.08	Discovery referee hearing
9/25/17 - SHENKMAN	18.00	38.08	Discovery referee hearing
9/30/17 – SHENKMAN		461.72	Meeting with counsel on Yumori-Kaku v City of Santa Clara
10/9/17 - SHENKMAN	18.00	38.08	Discovery referee hearing
10/16/17 – Hughes		61.17	Meeting with expert
10/27/17 – SHENKMAN		25.71	Meeting with Mr. and Mrs. Holbrook
10/30/17 - SHENKMAN		25.71	Meet with PNA board
11/16/17 - SHENKMAN		25.71	Neighborhood group meeting
12/2/17 - SHENKMAN		48.91	Meet with A. Gonzalez
1/2/18 - SHENKMAN		28.59	Meeting with clients
1/6/18 - SHENKMAN		79.37	Meet with J. Newman
1/22/18 - SHENKMAN	18.00	38.08	Discovery referee hearing
1/26/18 - SHENKMAN		25.71	Meet with activists and PNA board
2/2/18 - SHENKMAN	18.00	38.08	Discovery referee hearing

2/3/18 – SHENKMAN		41.53	Meet with G. Ramos and O. de la Torre
2/6/18 - SHENKMAN	18.00	38.08	Discovery referee hearing
2/9/18 – SHENKMAN		41.53	Meet with G. Ramos and O. de la Torre and LA Times
			reporters
2/13/18 – SHENKMAN		9.52	Meet with R. Tahvildaran-Jesswein
2/16/18 - SHENKMAN	18.45	34.63	Mediation
2/16/18 - Alarcon	18.45	4.88	Mediation
2/23/18 – SHENKMAN	1.50	25.71	Meet with PNA board
2/26/18 – SHENKMAN		104.36	Deposition
3/6/18 - SHENKMAN	18.00	38.08	Discovery referee hearing
3/15/18 - SHENKMAN	18.45	34.63	Mediation
3/30/18 – SHENKMAN		104.36	Deposition
4/4/18 – SHENKMAN		61.17	Meet with expert
4/5/18 – SHENKMAN		67.24	Meet with expert
4/6/18 - SHENKMAN	18.00	38.08	Meet with expert
4/11/18 - SHENKMAN	18.00	38.08	Ex parte application hearing
4/23/18 – SHENKMAN	10.00	104.36	Deposition Deposition
4/30/18 - SHENKMAN		35.83	Meet with A. Sanchez and expert
4/30/18 – ALARCON		4.88	Meet with A. Sanchez and expert
5/9/18 – SHENKMAN	18.00	38.08	Deposition
5/11/18 – SHENKMAN	18.00	38.08	Deposition
5/15/18 – SHENKMAN	18.00	38.08	Deposition
5/17/18 – ALARCON	16.00	61.17	Meet with expert
5/22/18 – ALARCON		61.17	Meet with expert
5/30/18 – SHENKMAN		104.36	Meet with co-counsel
5/31/18 – SHENKMAN	18.00	38.08	Motion hearing
6/6/18 – SHENKMAN	18.00	38.08	Deposition
6/7/18 – SHENKMAN	18.00	28.59	Photographer tour of Santa Monica
6/11/18 – SHENKMAN		25.71	Neighborhood group meeting
6/14/18 – SHENKMAN	18.00	64.38	
6/14/18 – SHENKIVIAN 6/14/18 – ALARCON	18.00		Motion hearing and meet with expert Motion hearing
		22.85	
6/18/18 – Shenkman 6/19/18 – SHENKMAN	18.00	38.08	Deliver opposition as directed by clerk
<u> </u>	18.00	38.08	Motion hearing
6/19/18 – SHENKMAN	10	25.71	Neighborhood group meeting
6/19/18 – ALARCON	18	22.85	Motion hearing
6/25/18 – SHENKMAN	10.00	104.36	Deposition Discourage regions
6/28/18 – SHENKMAN	18.00	38.08	Discovery referee hearing
6/29/18 – SHENKMAN	-	104.36	Deposition Obtain Hallman Instatute and
7/2/18 – SHENKMAN	-	25.71	Obtain Holbrook statement
7/3/18 – SHENKMAN	10.00	32.61	Meet with expert, T. Crane and co-counsel
7/5/18 – SHENKMAN	18.00	44.03	Discovery referee hearing and meet with expert
7/9/18 - shenkman	18.00	114.24	Ex parte applications hearing and deposition
7/9/18 – ALARCON	18	22.85	Ex parte applications hearing
7/11/18 – SHENKMAN	10.55	104.36	Deposition
7/12/18 – SHENKMAN	18.00	38.08	Discovery referee hearing
7/13/18 – SHENKMAN	18.00	38.08	Deposition

7/14/18 – SHENKMAN	18.00	38.08	Deposition
7/16/18 – SHENKMAN		104.36	Deposition
7/17/18 – SHENKMAN	18.00	38.08	Discovery referee hearing
7/19/18 – SHENKMAN	18.00	38.08	Final Status Conference
7/19/18 – ALARCON	18	22.85	Final Status Conference
7/21/18 – Shenkman		81.16	Deliver letter brief to discovery referee, as directed by
, ,			discovery referee
7/23/18 – Hughes		61.17	Meet with expert
7/24/18 – Shenkman		61.17	Meet with expert
7/25/18 – Hughes		61.17	Meet with expert
7/27/18 – Hughes		61.17	Meet with expert
7/28/18 – SHENKMAN		32.61	Mock opening
7/28/18 – ALARCON		24.28	Mock opening
7/30/18 – Hughes		61.17	Meet with expert
8/1/18 – SHENKMAN	18	38.08	Trial
8/1/18 – ALARCON	18	22.85	Trial
8/2/18 – SHENKMAN	18	38.08	Trial
8/2/18 – ALARCON	18	22.85	Trial
8/3/18 – SHENKMAN	18	38.08	Trial
8/3/18 – ALARCON	18	22.85	Trial
8/6/18 – SHENKMAN	18	38.08	Trial
8/6/18 – ALARCON	18	22.85	Trial
8/7/18 – SHENKMAN	18	38.08	Trial
8/7/18 – ALARCON	18	22.85	Trial
8/8/18 – SHENKMAN	18	38.08	Trial
8/8/18 – ALARCON	18	22.85	Trial
8/9/18 – SHENKMAN	18	38.08	Trial
8/9/18 – ALARCON	18	22.85	Trial
8/10/18 – SHENKMAN	18	38.08	Trial
8/10/18 – ALARCON	18	22.85	Trial
8/13/18 – SHENKMAN	18	38.08	Trial
8/13/18 – ALARCON	18	22.85	Trial
8/15/18 – SHENKMAN	18	38.08	Trial
8/15/18 – ALARCON	18	22.85	Trial
8/16/18 – SHENKMAN	18	38.08	Trial
8/16/18 – ALARCON	18	22.85	Trial
8/17/18 – SHENKMAN	18	38.08	Trial
8/17/18 – ALARCON	18	22.85	Trial
8/20/18 – SHENKMAN	18	38.08	Trial
8/20/18 – ALARCON	18	22.85	Trial
8/21/18 – SHENKMAN	18	38.08	Trial
8/21/18 – ALARCON	18	22.85	Trial
8/22/18 – SHENKMAN	18	38.08	Trial
8/22/18 – ALARCON	18	22.85	Trial
8/23/18 – SHENKMAN	18	38.08	Trial
8/23/18 – ALARCON	18	22.85	Trial

8/24/18 – SHENKMAN	18	38.08	Trial
8/24/18 – ALARCON	18	22.85	Trial
8/28/18 – SHENKMAN	18	38.08	Trial
8/28/18 – ALARCON	18	22.85	Trial
8/29/18 – SHENKMAN	18	38.08	Trial
8/29/18 – ALARCON	18	22.85	Trial
8/30/18 – SHENKMAN	18	38.08	Trial
8/30/18 – ALARCON	18	22.85	Trial
9/4/18 – SHENKMAN	18	38.08	Trial
9/4/18 – ALARCON	18	22.85	Trial
9/5/18 – SHENKMAN	18	38.08	Trial
9/5/18 – ALARCON	18	22.85	Trial
9/6/18 – SHENKMAN	18	38.08	Trial
9/6/18 – ALARCON	18	22.85	Trial
9/10/18 – SHENKMAN	18	38.08	Trial
9/10/18 – ALARCON	18	22.85	Trial
9/11/18 -SHENKMAN	18	38.08	Trial
9/11/18 – ALARCON	18	22.85	Trial
9/13/18 - SHENKMAN	18	38.08	Trial
9/13/18 – ALARCON	18	22.85	Trial
9/25/18 – SHENKMAN	18	38.08	Deliver closing brief
10/15/18 – SHENKMAN	10	28.59	Meeting with PNA Board
10/30/18 – SHENKMAN		25.71	Neighborhood group meeting
11/27/18 – SHENKMAN		25.71	City council meeting
11/27/18 - SHENKMAN	20	38.08	TRO hearing
11/27/18 – ALARCON	20	22.85	TRO hearing
12/3/18 – SHENKMAN	-	25.71	Meeting with clients
12/7/18 - SHENKMAN	20	38.08	Remedies hearing
12/7/18 – ALARCON	20	22.85	Remedies hearing
12/19/18 – SHENKMAN	20	38.08	Ex parte application hearing
12/19/18 – ALARCON	20	38.08	Ex parte application hearing
1/2/19 – ALARCON	20	38.08	Ex parte application hearing
1/2/19 – SHENKMAN	20	38.08	Ex parte application hearing
1/3/19 – SHENKMAN	20	38.08	Deliver proposed statement of decision and proposed
· ·			judgment as directed by Court
1/7/19 – SHENKMAN		25.71	Neighborhood group meeting
1/8/19 – SHENKMAN		25.71	Meet with PNA board
1/12/19 – SHENKMAN		25.71	Neighborhood group meeting
2/1/19 – SHENKMAN		25.71	Meet with clients

RE: RE: RE:

From: Kevin Shenkman (shenkman@sbcglobal.net)

To: shenkman@sbcglobal.net; HGalloway@gibsondunn.com

Cc: miltgrim@aol.com; egordon@parrislawyers.com; mcussimonio@parrislawyers.com;

KScolnick@gibsondunn.com; THenry@gibsondunn.com

Date: Monday, June 18, 2018, 04:33 PM PDT

See you tomorrow.

Milton, please let Ms. Leon-Vazquez's counsel know that the attorneys for the city of Santa Monica have decided that we should make elderly women travel long distances for depositions in this case.

On Mon, 6/18/18, Galloway, Helen L. < HGalloway@gibsondunn.com> wrote:

Subject: RE: RE: RE:

To: "Kevin Shenkman" < shenkman@sbcglobal.net>

Cc: "miltgrim@aol.com" <miltgrim@aol.com>, "Ellery Gordon" <egordon@parrislawyers.com>, "Marci Cussimonio" <mcussimonio@parrislawyers.com>, "Scolnick, Kahn A." <KScolnick@gibsondunn.com>,

"Henry, Tiaunia" < THenry@gibsondunn.com > Date: Monday, June 18, 2018, 2:01 PM

In that case, given the preference for downtown over Century City, we will see you and Ms. Onofre tomorrow morning after the hearing, in our downtown office. See you then.

Helen L. Galloway

GIBSON DUNN

Gibson, Dunn & Crutcher LLP 333 South Grand Avenue, Los Angeles, CA 90071-3197 Tel +1 213.229.7342 • Fax +1 213.229.6342 HGalloway@gibsondunn.com • www.gibsondunn.com

----Original Message-----

From: Kevin Shenkman <shenkman@sbcglobal.net>

Sent: Monday, June 18, 2018 1:21 PM

To: Galloway, Helen L. <HGalloway@gibsondunn.com>

Cc: miltgrim@aol.com;

Ellery Gordon < egordon@parrislawyers.com >;

Marci Cussimonio <<u>mcussimonio@parrislawyers.com</u>>; Scolnick, Kahn A. <<u>KScolnick@gibsondunn.com</u>>;

Henry, Tiaunia < THenry@gibsondunn.com>

Subject: Re: RE: RE:

Century city is worse than downtown. Santa Monica or no deal.

```
Sent
from my iPhone
> On Jun
18, 2018, at 1:18 PM, Galloway, Helen L. < HGalloway@gibsondunn.com >
> Kevin,
> Since we do not
represent her, we do not have the authority to make
agreements on behalf of Ms. Leon-Vazquez, but we do
understand that her counsel has a preference for holding her
deposition in downtown. With that in mind, we can hold the
deposition of Berenice Onofre at our Century City office if
you agree.
>
> Helen
L. Galloway
GIBSON DUNN
Gibson, Dunn & Crutcher LLP
> 333
South Grand Avenue, Los Angeles, CA 90071-3197 Tel +1
213.229.7342
> • Fax +1 213.229.6342
HGalloway@gibsondunn.com
· www.gibsondunn.com
> -----Original
Message----
> From: Kevin Shenkman
<shenkman@sbcglobal.net>
> Sent: Sunday, June 17, 2018 9:08 PM
> To: Galloway, Helen L. < HGalloway@gibsondunn.com>
> Cc: miltgrim@aol.com;
Ellery Gordon < egordon@parrislawyers.com >;
Marci
> Cussimonio <mcussimonio@parrislawyers.com>;
Scolnick, Kahn A.
> < KScolnick@gibsondunn.com >;
Henry, Tiaunia < THenry@gibsondunn.com >
> Subject: RE:
> Date and time are fine - assuming that the
court hearing is concluded by then. With respect to the
location, if you are going to make an elderly lady (Berenice
Onofre) travel downtown, then we are going to make Maria
Leon-Vazquez travel to Lancaster. Alternatively, if you
will take the deposition of Ms. Onofre in Santa Monica, we
will take the deposition of Ms. Leon-Vazquez in Los
Angeles. Your call. Let me know.
> -Kevin
```

> On Sun, 6/17/18, Galloway, Helen L. < HGalloway@gibsondunn.com >

```
wrote:
>
> Subject:
RE:
> To: "Kevin Shenkman"
<shenkman@sbcglobal.net>
> Cc: "Ellery Gordon" < egordon@parrislawyers.com >,
"Marci Cussimonio"
> <mcussimonio@parrislawyers.com>,
"Scolnick, Kahn A."
> < KScolnick@gibsondunn.com >,
"Henry, Tiaunia" < THenry@gibsondunn.com>
> Date: Sunday, June 17, 2018, 9:02 PM
> Hi Kevin,
> We have not heard
back from you confirming the June 19th date and location
for Berenice Onofre's deposition. Attached is an
amended deposition notice, scheduling her deposition for
June 19th at 10:30 am in our downtown office.
> Thank
> you,
> Helen
> Helen L. Galloway
> GIBSON DUNN
> Gibson, Dunn & Crutcher
> LLP
> 333 South Grand
Avenue, Los Angeles, CA
> 90071-3197
> Tel +1 213.229.7342 • Fax +1
> 213.229.6342
> HGalloway@gibsondunn.com
> • www.gibsondunn.com
> ----Original Message-----
> From: Kevin Shenkman < shenkman@sbcglobal.net>
> Sent: Tuesday, June 12, 2018 8:39 AM
> To: Galloway, Helen L. < HGalloway@gibsondunn.com >
> Cc: Ellery Gordon < egordon@parrislawyers.com >;
Marci Cussimonio
> <mcussimonio@parrislawyers.com>
> Subject:
> We
> represent Berenice
Onofre and Cris McLeod. Ms. Onofre is available for
deposition on June 18 or 19. We are still working on
available dates for Mr. McLeod. All of the PNA board
members have requested that the depositions occur in Santa
Monica - perhaps at City Hall.
> This message may contain confidential
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and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.		
>		
>		
>		
> This message may contain confidential and privileged information If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.		

Meal Expenses

Pico Neighborhood Assn. v. Santa Monica

Date			Purpose
Posted	Statement Description	Debit	. a.poss
9/9/2015	mao's Kitchen - Venice, CA	\$ (33.89)	Meeting with potential plaintiffs
10/16/2015	Inn of the Seventh Ray - Topanga, CA	\$ (48.97)	Meeting with potential plaintiffs
	, , , , ,		Meeting to develop district election
10/30/2015	Veggie Grill - Santa Monica, CA	\$ (22.57)	materials and effort
			Community workshop regarding district
11/3/2015	Houston's - Santa Monica, CA	\$ (83.08)	elections
11/4/2015	Spruzzo's - Malibu, CA	\$ (81.98)	Meeting with potential plaintiffs
			Meeting with potential plaintiffs and
1/4/2016	Mao's Kitchen - Venice, CA	\$ (58.05)	community leaders
			Meeting with co-counsel and O. de la
8/9/2016	Simply Wholesome - Los Angeles, CA	\$ (12.21)	Torre to prepare for council member depositions
10/10/2016	Panera - Lancaster, CA	\$ (29.05)	Team meeting of co-counsel
10/27/2016	Duck Dive - Malibu, CA	\$ (83.40)	Meeting with O. de la Torre
10/21/2010	Duck Dive - Malibu, CA	φ (65.40)	Meeting with Centinela Valley USD
	DEBIT CARD #4202 11/29 OLIVE		constituents regarding T. Vazquez
11/30/2016	GARDEN #00 MANHATTAN BCHCA	\$ (35.00)	corruption
,	DEBIT CARD #4202 12/22 CORAL	+ (00100)	Meeting with O. de la Torre
12/23/2016	BEACH CANT MALIBU CA	\$ (34.70)	3
	DEBIT CARD #4202 01/18 LARES	,	Meeting with Pico Neighborhood Assn.
01/19/2017	RESTAURANT SANTA MONICA CA	\$ (82.90)	board
	DEBIT CARD #4202 01/31 SATDHA		Meeting with clients
02/01/2017	SANTA MONICA CA	\$ (57.17)	
			Meeting with A. Gonzalez regarding T.
	DEBIT CARD #4202 03/13 THE		Vazquez and Southwest Voter Registration Education Project support
03/14/2017	PENINSULA BE BEVERLY HILLSCA	\$ (112.43)	and role
00/11/2011	DEBIT CARD #0561 03/23 SPRUZZO	Ψ (112.10)	Meeting with clients
03/24/2017	RESTAURA MALIBU CA	\$ (121.80)	sss
	DEBIT CARD #0561 04/06 THE	,	Working meal
04/06/2017	SUNSET RESTA MALIBU CA	\$ (24.07)	
	DEBIT CARD #4202 05/16 OLLO		Meeting with Malibu council members
05/18/2017	MALIBU CA	\$ (24.00)	
00/00/0047	DEBIT CARD #4202 06/07 COLONIAL	Φ (50.00)	Meeting with expert
06/08/2017	KITCHEN SAN MARINO CA	\$ (50.00)	Marking mod
07/21/2017	DEBIT CARD #4202 07/20 NEPTUNES NET SEA MALIBU CA	\$ (19.70)	Working meal
0772172017	DEBIT CARD #4202 07/24 SALATHAI	Ψ (19.70)	Meeting with A. Gonzalez and expert
07/25/2017	THAI CU SAN GABRIEL CA	\$ (66.37)	Modaling Willi 71. Contained and export
	DEBIT CARD #4202 07/27 ANDERSON	, (=== /	Meeting with clients
07/28/2017	MOULDIN CULVER CITY CA	\$ (51.92)	
	DEBIT CARD #4202 08/11 CAMPOS		Meeting with clients
08/14/2017	FAMOUS BU SANTA MONICA CA	\$ (23.60)	
00/40/00/4	DEBIT CARD #4202 08/18 RIM TALAY	0 (465 75)	Meeting with E. Sanchez and O. de la
08/18/2017	THAI C OCEANSIDE CA	\$ (103.52)	Torre
09/25/2017	DEBIT CARD #4202 08/24 CHOLADA	¢ (61.02)	Meeting with T. Crane and P. Brock
08/25/2017	THAI BEA MALIBU CA	\$ (61.02)	

09/30/2017		DEBIT CARD #4202 09/29 GOLDEN		Meeting with counsel on Yumori-Kaku
DEBIT CARD #4202 10/26 FROMIN'S RESTAUR SANTA MONICA CA S (45.91) Meeting with Mr. and Mrs. Holbrook 10/30/2017 RESTAUR SANTA MONICA CA S (45.91) Meeting with Pico Neighborhood Assn board DEBIT CARD #4202 10/201 COMMERCE CASINO COMMERCE CAS	09/30/2017		\$ (53.68)	
10/27/2017 RESTAUR SANTA MONICA CA S (45.91) DEBIT CARD #4202 10/27 HILLSTONE S (104.20) DEBIT CARD #4202 10/27 COMMERCE CASINO COMMERCE S (20.00) Meeting with A. Gonzalez			+ (00100)	Meeting with Mr. and Mrs. Holbrook
DEBIT CARD #4202 10/27 HILLSTONE S (104.20) Meeting with Pico Neighborhood Assn board	10/27/2017		\$ (45.91)	gg
10/30/2017 (310) LOS ANGELES CA \$ (104.20) board DEBIT CARD #4202 12/01 COMMERCE CASINO COMMERCE \$ (20.00) Meeting with A. Gonzalez				Meeting with Pico Neighborhood Assn
DEBIT CARD #4202 12/01	10/30/2017		\$ (104.20)	
COMMERCE CASINO COMMERCE \$ (20.00)			7 (/	
12/02/2017 CA				gg
DEBIT CARD #4202 12/31 MAOS Meeting with clients	12/02/2017		\$ (20.00)	
01/02/2018 KITCHEN VENICE CA \$ (32.38) Meeting with J. Newman			, , , , , , ,	Meeting with clients
DEBIT CARD #4202 01/05 STARBUCKS STORE YORBA LINDA CA	01/02/2018		\$ (32.38)	
STARBUCKS STORE YORBA LINDA CA			, (/	Meeting with J. Newman
D1/06/2018 CA \$ (8.50) Meeting with G. Ramos and O. de la				
DEBIT CARD #4202 02/02 PRESSED S (18.05) Meeting with G. Ramos and O. de la Torre regarding T. Vazquez	01/06/2018		\$ (8.50)	
O2/03/2018 JUICERY EL SEGUNDO CA \$ (18.05) Torre regarding T. Vazquez		DEBIT CARD #4202 02/02 PRESSED		Meeting with G. Ramos and O. de la
DEBIT CARD #4202 02/08 VEGGIE S (2.74) B. Oreskes and 0. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding 1. Vazquez Meeting with R. Tahvildaran-Jesswein Meeting with R. Tahvildaran-Jesswein Meeting with Counsel and clients Meeting with Counsel with Clients Meeting with clients Meeting with clients Meeting with co-counsel and expert Meeting with Cancounsel Allows Meeting with Countered Meeting with	02/03/2018	JUICERY EL SEGUNDO CA	\$ (18.05)	
DEBIT CARD #4202 02/08 VEGGIE GRILL PES EL SEGUNDO CA \$ (2.74) Regarding T. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding T. Vazquez Meeting with G. Ramos, A. Ehlmarek, B. Oreskes and O. de la Torre regarding T. Vazquez DEBIT CARD #4202 02/13 COFFEE Meeting with R. Tahvildaran-Jesswein DEBIT CARD #4202 02/16 KUNG PAO DEBIT CARD #4202 02/16 KUNG PAO DEBIT CARD #4202 02/16 RUBIO'S DEBIT CARD #4202 02/16 RUBIO'S DEBIT CARD #4202 02/26 RUBIO'S DEBIT CARD #4202 02/26 RUBIO'S Meal at deposition Meal at depo				
DEBIT CARD #4202 02/08 SAMOSA (12.53) Pre-mediation meeting with counsel and clients Meating with Carporation Meating w		DEBIT CARD #4202 02/08 VEGGIE		
DEBIT CARD #4202 02/08 SAMOSA 02/09/2018 HOUSE 310-4967389 CA \$ (12.53) regarding T. Vazquez DEBIT CARD #4202 02/13 COFFEE 02/13/2018 BEAN STOR MALIBU CA \$ (7.43) DEBIT CARD #4202 02/16 KUNG PAO 02/16/2018 CHINA B SHERMAN OAKS CA \$ (56.14) DEBIT CARD #4202 02/16 RUBIO'S 02/27/2018 #215 LANCASTER CA \$ (17.17) DEBIT CARD #4202 03/09 DUCK DIVE 03/31/2018 GASTRO MALIBU CA \$ (15.64) DEBIT CARD #4202 03/30 RUBIO'S 03/31/2018 #215 LANCASTER CA \$ (16.17) DEBIT CARD #4202 03/30 RUBIO'S 03/31/2018 #215 LANCASTER CA \$ (16.17) DEBIT CARD #4202 03/30 RUBIO'S 03/31/2018 B215 LANCASTER CA \$ (16.17) DEBIT CARD #4202 03/30 RUBIO'S 03/31/2018 B215 LANCASTER CA \$ (16.17) DEBIT CARD #4202 03/30 RUBIO'S 03/31/2018 B215 LANCASTER CA \$ (18.94) DEBIT CARD #4202 04/05 BA Weeting with co-counsel and expert 04/06/2018 COLBURN 58 LOS ANGELES CA \$ (42.00) DEBIT CARD #4202 05/08 MAOS KITCHEN VENICE CA \$ (31.28) DEBIT CARD #4202 05/09 BA 05/10/2018 COLBURN 51 LOS ANGELES CA \$ (12.24) DEBIT CARD #4202 05/09 BA 05/10/2018 MEXICAN GRI LOS ANGELES CA \$ (43.10) DEBIT CARD #4202 05/07 MAOS MEXICAN GRI LOS ANGELES CA \$ (32.00) DEBIT CARD #4202 06/14 LOCAL LOS ANGELES CA \$ (36.00) DEBIT CARD #4202 06/14 LOCAL LOS ANGELES CA \$ (36.00) DEBIT CARD #4202 06/14 LOCAL LOS ANGELES CA \$ (36.00) DEBIT CARD #4202 07/03 STUFF I Meeting with expert 07/05/2018 EAT INC INGLEWOOD CA \$ (53.29) DEBIT CARD #4202 07/03 STUFF I Meeting with expert 07/13/2018 MEXICAN GRI LOS ANGELES CA \$ (32.00) DEBIT CARD #4202 07/03 STUFF I Meeting with expert 07/13/2018 MEXICAN GRI LOS ANGELES CA \$ (32.00) DEBIT CARD #4202 07/03 STUFF I Meeting with expert 07/05/2018 EAT INC INGLEWOOD CA \$ (53.29) DEBIT CARD #4202 07/13 OCHO 07/13/2018 MEXICAN GRI LOS ANGELES CA \$ (32.00) DEBIT CARD #4202 07/03 STUFF I Meeting with expert	02/09/2018		\$ (2.74)	
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DEBIT CARD #4202 02/13 COFFEE \$ (7.43) Meeting with R. Tahvildaran-Jesswein	02/09/2018		\$ (12.53)	
O2/13/2018 BEAN STOR MALIBU CA \$ (7.43)			,	
DEBIT CARD #4202 02/16 KUNG PAO	02/13/2018	BEAN STOR MALIBU CA	\$ (7.43)	Ŭ
O2/16/2018 CHINA B SHERMAN OAKS CA \$ (56.14) and clients				Pre-mediation meeting with counsel
DEBIT CARD #4202 02/26 RUBIO'S	02/16/2018		\$ (56.14)	
O2/27/2018				
DEBIT CARD #4202 03/09 DUCK DIVE GASTRO MALIBU CA \$ (15.64) Meeting with clients	02/27/2018		\$ (17.17)	'
O3/12/2018 GASTRO MALIBU CA S (15.64)			, ,	Meeting with clients
DEBIT CARD #4202 03/30 RUBIO'S #215	03/12/2018	GASTRO MALIBU CA	\$ (15.64)	
03/31/2018		DEBIT CARD #4202 03/30 RUBIO'S	,	Meal at deposition
DEBIT CARD #4202 04/05 BA COLBURN 58 LOS ANGELES CA \$ (18.94)	03/31/2018	#215 LANCASTER CA	\$ (16.17)	·
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DEBIT CARD #4202 05/08 MAOS KITCHEN VENICE CA CA CA CA CA CA CA	04/30/2018	CHINA B SHERMAN OAKS CA	\$ (42.00)	
05/09/2018 KITCHEN VENICE CA \$ (31.28) deposition 05/10/2018 DEBIT CARD #4202 05/09 BA Meeting with co-counsel following court hearing 05/10/2018 COLBURN 51 LOS ANGELES CA \$ (12.24) court hearing DEBIT CARD #4202 05/12 OCHO Meal at deposition 05/12/2018 MEXICAN GRI LOS ANGELES CA \$ (43.10) DEBIT CARD #4202 06/07 MAOS Meal during photographer tour of Santa Monica 06/07/2018 KITCHEN VENICE CA \$ (24.00) DEBIT CARD #4202 06/14 LOCAL Meeting with expert 06/14/2018 LOS ANGELES CA \$ (36.00) DEBIT CARD #4202 06/29 PANERA Meal at deposition 06/30/2018 BREAD #20 LANCASTER CA \$ (23.49) DEBIT CARD #4202 07/03 STUFF I Meeting with expert 07/05/2018 EAT INC INGLEWOOD CA \$ (53.29) DEBIT CARD #4202 07/13 OCHO Meal at deposition 07/13/2018 MEXICAN GRI LOS ANGELES CA \$ (32.00) DEBIT CARD #4202 08/02 SQ Meal during trial		DEBIT CARD #4202 05/08 MAOS		Meeting with clients following
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DEBIT CARD #4202 05/12 OCHO MEXICAN GRI LOS ANGELES CA \$ (43.10)		DEBIT CARD #4202 05/09 BA		Meeting with co-counsel following
DEBIT CARD #4202 05/12 OCHO MEXICAN GRI LOS ANGELES CA \$ (43.10)	05/10/2018	COLBURN 51 LOS ANGELES CA	\$ (12.24)	court hearing
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06/14/2018 LOS ANGELES CA \$ (36.00) DEBIT CARD #4202 06/29 PANERA Meal at deposition 06/30/2018 BREAD #20 LANCASTER CA \$ (23.49) DEBIT CARD #4202 07/03 STUFF I Meeting with expert 07/05/2018 EAT INC INGLEWOOD CA \$ (53.29) DEBIT CARD #4202 07/13 OCHO Meal at deposition 07/13/2018 MEXICAN GRI LOS ANGELES CA \$ (32.00) DEBIT CARD #4202 08/02 SQ Meal during trial	06/07/2018	KITCHEN VENICE CA	\$ (24.00)	
06/14/2018 LOS ANGELES CA \$ (36.00) DEBIT CARD #4202 06/29 PANERA Meal at deposition 06/30/2018 BREAD #20 LANCASTER CA \$ (23.49) DEBIT CARD #4202 07/03 STUFF I Meeting with expert 07/05/2018 EAT INC INGLEWOOD CA \$ (53.29) DEBIT CARD #4202 07/13 OCHO Meal at deposition 07/13/2018 MEXICAN GRI LOS ANGELES CA \$ (32.00) DEBIT CARD #4202 08/02 SQ Meal during trial		DEBIT CARD #4202 06/14 LOCAL		Meeting with expert
06/30/2018 BREAD #20 LANCASTER CA \$ (23.49) DEBIT CARD #4202 07/03 STUFF I Meeting with expert 07/05/2018 EAT INC INGLEWOOD CA \$ (53.29) DEBIT CARD #4202 07/13 OCHO Meal at deposition 07/13/2018 MEXICAN GRI LOS ANGELES CA \$ (32.00) DEBIT CARD #4202 08/02 SQ Meal during trial	06/14/2018		\$ (36.00)	
DEBIT CARD #4202 07/03 STUFF I Meeting with expert		DEBIT CARD #4202 06/29 PANERA		Meal at deposition
DEBIT CARD #4202 07/03 STUFF I Meeting with expert	06/30/2018	BREAD #20 LANCASTER CA	\$ (23.49)	
DEBIT CARD #4202 07/13 OCHO 07/13/2018 MEXICAN GRI LOS ANGELES CA \$ (32.00) DEBIT CARD #4202 08/02 SQ Meal during trial		DEBIT CARD #4202 07/03 STUFF I		Meeting with expert
DEBIT CARD #4202 07/13 OCHO	07/05/2018	EAT INC INGLEWOOD CA	\$ (53.29)	
07/13/2018 MEXICAN GRI LOS ANGELES CA \$ (32.00) DEBIT CARD #4202 08/02 SQ Meal during trial		DEBIT CARD #4202 07/13 OCHO		Meal at deposition
DEBIT CARD #4202 08/02 SQ Meal during trial	07/13/2018		\$ (32.00)	·
				Meal during trial
	08/02/2018	*PANORAMA CAF LOS ANGELES CA	\$ (19.33)	

	DEBIT CARD #4202 08/09 AU LAC		Meal during trial
08/10/2018	PLANT BAS LOS ANGELES CA	\$ (61.47)	
	DEBIT CARD #4202 08/09 GRAND		Meal during trial
08/10/2018	CAFE LOS ANGELES CA	\$ (106.79)	
	DEBIT CARD #4202 08/17 AU LAC		Meal during trial
08/18/2018	PLANT BAS LOS ANGELES CA	\$ (71.32)	-
	DEBIT CARD #4202 08/16 AU LAC		Meal during trial
08/18/2018	PLANT BAS LOS ANGELES CA	\$ (88.46)	-
	DEBIT CARD #4202 08/24 KENDALLS		Meal during trial
08/27/2018	BRASSER LOS ANGELES CA	\$ (218.61)	
	DEBIT CARD #4202 10/11 CORAL		Meeting with clients
10/11/2018	BEACH CANT MALIBU CA	\$ (34.57)	-
	DEBIT CARD #4202 10/14 MAOS		Meeting with Pico Neighborhood
10/15/2018	KITCHEN VENICE CA	\$ (32.88)	Association board
	DEBIT CARD #4202 11/27 CASA		Meeting with clients and community
11/28/2018	MARTIN SANTA MONICA CA	\$ (173.19)	leaders for city hall demonstration
	DEBIT CARD #4202 01/07 MAOS		Meeting with neighborhood civic group
01/08/2019	KITCHEN VENICE CA	\$ (18.88)	

Total -2873.78



Office of the City Attorney City Hall 1685 Main Street PO Box 2200 Santa Monica, California 90407-2200 Rebecca Katsura rebecca.katsura@smgov.net

April 18, 2019

VIA E-MAIL

Marci Cussimonio Paralegal, PARRIS Lawyers 43364 10th Street West Lancaster, California 93534

Phone: 661-429-3399

Email: mcussimonio@parrislawyers.com

Re: Public Records Act Request

Dear Ms. Cussimonio:

The City of Santa Monica (the "City") received your Public Records Act ("Act") request, dated April 9, 2019. We have determined that your request does not seek any records that are non-exempt. In particular:

Request No. 1: "All warrants for payments to Gibson, Dunn & Crutcher related to defending the City of Santa Monica in connection with the California Voting Rights Act case filed in April of 2016 (Pico Neighborhood Association and Maria Loya v. City of Santa Monica (Superior Court Case No. BC616804))."

Response to Request No. 1: Your request does not seek any records that are non-exempt. See discussion below.

Request No. 2: "The total fees paid by the City of Santa Monica to Gibson, Dunn & Crutcher for work performed in defending the City of Santa Monica in connection with the California Voting Rights Act case filed in April of 2016 (Pico Neighborhood Association and Maria Loya v. City of Santa Monica (Superior Court Case No. BC616804))."

Response to Request No. 2: Your request does not seek any records that are non-exempt. See discussion below.

Request No. 3: "The total number of hours Gibson, Dunn & Crutcher submitted to the City of Santa Monica in connection with the California Voting Rights Act case filed in April of 2016 (Pico Neighborhood Association and Maria Loya v. City of Santa Monica (Superior Court Case No. BC616804))."

tel: 310 458-8336 • fax: 310 395-6727

Re: April 9 PRA Request

Page 2

Response to Request No. 3: Your request does not seek any records that are non-exempt. See discussion below.

Request No. 4: "Itemization of each Gibson, Dunn & Crutcher attorney's billing rate charged to the City of Santa Monica in connection with the California Voting Rights Act case filed in April of 2016 (Pico Neighborhood Association and Maria Loya v. City of Santa Monica (Superior Court Case No. BC616804))."

Response to Request No. 4: Your request does not seek any records that are non-exempt. See discussion below.

Request No. 5: "Copies of all invoices and bills submitted by Gibson, Dunn & Crutcher to the City of Santa Monica in connection with the California Voting Rights Act case filed in April of 2016 (Pico Neighborhood Association and Maria Loya v. City of Santa Monica (Superior Court Case No. BC616804))."

Response to Request No. 5: Your request does not seek any records that are non-exempt. See discussion below.

Request No. 6: "The total amount of legal fees that the City of Santa Monica paid to Gibson, Dunn & Crutcher in connection with the California Voting Rights Act lawsuit filed in April of 2016 (Pico Neighborhood Association and Maria Loya v. City of Santa Monica (Superior Court Case No. BC616804))."

Response to Request No. 6: Your request does not seek any records that are non-exempt. See discussion below.

Request No. 7: The total amount of legal fees incurred by the City of Santa Monica in connection with the California Voting Rights Act lawsuit filed in April of 2016 (Pico Neighborhood Association and Maria Loya v. City of Santa Monica (Superior Court Case No. BC616804)).

Response to Request No. 7: Your request does not seek any records that are non-exempt. See discussion below.

Discussion:

In accordance with the Act, records that constitute attorney-client privileged communications and attorney work product are exempt from disclosure. (Gov. Code, § 6254, subd. (k); Evid. Code, § 1040.) The attorney-client privilege covers confidential communications between an attorney and his or her client. The attorney work product rule creates for attorneys the absolute

Re: April 9 PRA Request

Page 3

privilege against disclosure of writings containing the attorney's impressions, conclusions, opinions, or legal theories. (Code Civ. Proc., § 2018; Gov. Code, § 6254, subd. (k).)

The attorney-client privilege protects the confidentiality of "everything in an invoice" from an attorney, including "the amount of aggregate fees," when a "legal matter remains pending and active." Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282, 297 ("Los Angeles County"). As the Court of Appeals explained on remand, the Supreme Court's ruling in this case "teaches that invoices related to pending or ongoing litigation are privileged and are not subject to PRA disclosure." County of Los Angeles Board of Supervisors v. Superior Court (2017) 12 Cal.App.5th 1264, 1274.

Here, the litigation regarding the claims raised in *Pico Neighborhood Association and Maria Loya v. City of Santa Monica*, Case No. BC616804, Los Angeles County Superior Court, remains pending and ongoing as the trial court's decision has been appealed by the City. *See City of Santa Monica v. Pico Neighborhood Association; Maria Loya*, Case No. B295935, California Court of Appeal, Second Appellate District, Division 8. Moreover, the law firm as to which you request records, Gibson, Dunn & Crutcher, remains the City's counsel in connection with the pending appeal. Accordingly, all of the records you request, all of which relate to invoices from and payments to Gibson Dunn & Crutcher, remain subject to attorney-client privilege and, as a result, are exempt from production under the Act.

This completes the City's written response to your request dated April 9, 2019.

Sincerely,

Rebecca Katsura

Public Records Coordinator

¹ Community members and others who wish to stay apprised of events in the pending litigation can find relevant non-privileged information and pleadings online at: https://www.santamonica.gov/Election-Litigation-PNA-V-Santa-Monica.



Office of the City Attorney City Hall 1685 Main Street PO Box 2200 Santa Monica, California 90407-2200 Rebecca Katsura rebecca.katsura@smgov.net

April 18, 2019

VIA E-MAIL

Marci Cussimonio Paralegal, PARRIS Lawyers 43364 10th Street West Lancaster, California 93534

Phone: 661-429-3399

Email: mcussimonio@parrislawyers.com

Re: Public Records Act Request

Dear Ms. Cussimonio:

The City of Santa Monica (the "City") received your Public Records Act ("Act") request, dated April 10, 2019. Our response to your request is below.

Request No. 1: "All warrants for payments to Gibson Dunn & Crutcher, LLP since January 1, 2016."

Response to Request No. 1: Your request does not seek any records that are non-exempt. See discussion below.

Discussion re: Request No. 1: In accordance with the Act, records that constitute attorney-client privileged communications and attorney work product are exempt from disclosure. (Gov. Code, § 6254, subd. (k); Evid. Code, § 1040.) The attorney-client privilege covers confidential communications between an attorney and his or her client. The attorney work product rule creates for attorneys the absolute privilege against disclosure of writings containing the attorney's impressions, conclusions, opinions, or legal theories. (Code Civ. Proc., § 2018; Gov. Code, § 6254, subd. (k).)

The attorney-client privilege protects the confidentiality of "everything in an invoice" from an attorney, including "the amount of aggregate fees," when a "legal matter remains pending and active." Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282, 297 ("Los Angeles County"). As the Court of Appeals explained on remand, the Supreme Court's ruling in this case "teaches that invoices related to pending or ongoing litigation are privileged and are not subject to PRA disclosure." County of Los Angeles Board of Supervisors v. Superior Court (2017) 12 Cal.App.5th 1264, 1274.

tel: 310 458-8336 • fax: 310 395-6727

Re: April 10 PRA Request

Page 2

Here, the litigation regarding the claims raised in *Pico Neighborhood Association and Maria Loya v. City of Santa Monica*, Case No. BC616804, Los Angeles County Superior Court, remains pending and ongoing as the trial court's decision has been appealed by the City. *See City of Santa Monica v. Pico Neighborhood Association; Maria Loya*, Case No. B295935, California Court of Appeal, Second Appellate District, Division 8. Moreover, the law firm as to which you request records, Gibson, Dunn & Crutcher, remains the City's counsel in connection with the pending appeal. Accordingly, the records you request in your Request No. 1, which relate to payments in response to invoices from Gibson Dunn & Crutcher, remain subject to attorney-client privilege and, as a result, are exempt from production under the Act.

Request No. 2: "All council meeting minutes/agendas referencing a warrant, payment or contract with Gibson Dunn & Crutcher, LLP."

Response to Request No. 2: Your request appears to specify the same date range for this request, that is, from January 1, 2016. During this time, the City retained Gibson Dunn & Crutcher only in connection with the California Voting Rights Act case filed in April 2016, Pico Neighborhood Association and Maria Lova v. City of Santa Monica, Case No. BC616804, Los Angeles County Superior Court. As discussed below, litigation in this matter remains pending. The matter has been on the Council's closed session agenda on numerous occasions since January 1, 2016, including: January 12, 2016; April 26, 2016; May 10, 2016; May 24, 2016; June 14, 2016; June 28, 2016; September 27, 2016; October 25, 2016; December 6, 2016; February 14, 2017; February 28, 2017; April 18, 2017; June 13, 2017; July 10, 2017; October 10, 2017; October 24, 2017; November 28, 2017; December 12, 2017; January 9, 2018; January 23, 2018; February 13, 2018; February 27, 2018; March 6, 2018; March 27, 2018; April 10, 2018; April 24, 2018; May 8, 2018; May 22, 2018; June 12, 2018; June 26, 2018; July 24, 2018; August 14, 2018; August 28, 2018; September 11, 2018; October 9, 2018; October 23, 2018; November 13, 2018; November 27, 2018; December 18, 2018; January 8, 2019; January 22, 2019; February 12, 2019; February 21, 2019; February 26, 2019; March 5, 2019; and March 26, 2019. Neither the agenda nor the minutes for any of these meetings references a warrant, payment, or contract with Gibson Dunn & Crutcher LLP. Accordingly, the City has not identified any documents responsive to your request. For your information, the agendas and minutes for City Council meetings conducted between January 1, 2016 and the present are available online at: https://www.smgov.net/departments/clerk/agendas.aspx.

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¹ Community members and others who wish to stay apprised of events in the pending litigation can find relevant non-privileged information and pleadings online at: https://www.santamonica.gov/Election-Litigation-PNA-V-Santa-Monica.

Re: April 10 PRA Request

Page 3

This completes the City's written response to your request dated April 10, 2019.

Sincerely,

Rebecca Katsura

Public Records Coordinator

Santa Monica LOOKOUT

Traditional Reporting for A Digital Age



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City Officials Won't Reveal Cost of Voting Rights Lawsuit Until Case is Closed

By Jorge Casuso

March 5, 2019 -- Santa Monica taxpayers will have to wait until the voting rights lawsuit ends to learn what the City has spent fighting the nearly three-year-old case.

Last week, City officials declined to provide The Lookout with the total fees paid to Gibson Dunn & Crutcher, the law firm hired to defend the City.

In response to the Lookout's request, City officials on Thursday cited attorney client privileges in the ongoing litigation.

"The legal fees paid to Gibson Dunn as part of the CVRA lawsuit is privileged information until the case is resolved," the City responded.

The Lookout's request was made after the City Council last month voted to appeal a Superior Court ruling that found Santa Monica's at-large election system discriminates against Latino voters ("Santa Monica Council Votes to Appeal Voting Rights Ruling," February 21, 2019).

The Council's unanimous vote fueled public speculation about the legal fees paid to the high-powered Los Angeles firm to fight the lawsuit filed by local Latino activists.

At the February 21 public hearing, most of the speakers who testified urged the City to drop what they view as a losing battle, saying taxpayer money could be better used.

But the total legal fees incurred by the City related to the lawsuit filed in April 2016 remains unclear ("Santa Monica Facing Lawsuit Over At-Large Council Elections," April 13, 2016).

In 2017, total fees to Gibson, Dunn and Crutcher were nearly \$5 million, although the price tag included other legal matters, finance officials said at the time (" City of Santa Monica Enters Second Year of Fight Against Voting Rights Lawsuit," April 19, 2018).

Community activists have speculated in public meetings and on social media that the City's legal bill has reached \$20 million.

Gibson Dunn Legal Fees

Founded in Los Angeles in 1890, the firm has more than 1,300 attorneys in 20 offices worldwide and has argued more than 100 cases before the U.S. Supreme Court, according to the firm's site.

Its clients have included Apple, Inc., Facebook founder Mark Zuckerberg, Chevron and CNN reporter Jim Acosta in the station's press pass case against the White House.

Gibson Dunn is routinely ranked among the U.S. law firms with the highest billing rates, according to the National Law Journal (NLJ).

In 2015, the last readily available data the Lookout found, the firm's partner Theodore Olson "had the highest rate the NLJ could find in public records" at \$1,800 an hour.

The three runners up had an hourly rate of \$1,250 ("Billing Rates Rise, Discounts Abound," January 5, 2015).

Gibson Dunn's rates have made headlines.

Four years ago, Albany County asked a federal judge to throw out the \$7 million legal bill Gibson Dunn and the firm DerOhannesian & DerOhannesian submitted in a voting rights lawsuit, according to a report in Albany's Times Union.

"In one instance cited by the county, five Gibson Dunn lawyers billed \$38,255 for 63.55 hours of work in connection with the deposition of County Legislature Majority Leader Frank Commission, which lasted less than two hours," the article said.

The bill filed with the court was 900 pages long, according to the Times Union ("Albany County disputes \$7M bill," July 8, 2015).

In a 2012 case filed against Chevron by a group of Ecuadoran villagers, the oil company said the legal fees included 36,837 hours billed by its lawyers at Gibson, Dunn & Crutcher, according to a 2014 report in Reuters.

"Randy Mastro, the lead lawyer for Chevron, most recently billed at a rate of \$1,140 an hour," the 2014 article said. ("Chevron seeks \$32 million in legal fees in Ecuador case," March 19, 2014).

Court Rules on Disclosure of Legal Fees

The City has legal precedent in refusing the Lookout's request, legal experts said.

"The courts have ruled on the issue," said Fredric Woocher, an LA attorney who specializes in campaign finance law.

"The amount of fees a City has paid could give information about its legal strategies," he said.

Woocher cited a ruling in a case filed by the ACLU after the LA County Board of Supervisors refused to produce invoices for law firms defending the County in police brutality cases.

In the October 11, 2017 ruling, the Second District held that a government entity is not required to disclose any invoices in pending litigation under the Public Records Act (PRA).

The County argued the the PRA made exceptions based on attorney-client privilege and work product. The Second District, on remand from the California Supreme Court, agreed.

Maria Loya, the lead plaintiff in Santa Monica's voting rights lawsuit, criticized the City's refusal to provide the information.

"It's very suspicious to me they don't want to share that amount," Loya said. "That means to me it's a very large amount."

Santa Monica taxpayers, she said, should be told what the City is spending as the Council prepares to approve a new fiscal budget in June.

"How can we have a budget discussion when we don't know what they're spending on the lawsuit," she said.

"It's upsetting because at the same time they're spending millions, they're telling people there's no money to fix the streets or hire another park ranger.

"So much for the transparency and the accountability that the City Council talks about," she said.



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Disclosures

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

	1
In re:	Chapter 11
SPORTS AUTHORITY HOLDINGS, INC., et al., 1	Case No. 16-10527 (MFW)
Debtors.	(Jointly Administered)
	Obj. Deadline: May 4, 2016 at 4:00 p.m. (ET)
SUMMARY OF FIRST MONTHLY APPL CRUTCHER LLP AS CO-COUNSEL TO TO POSSESSION FOR ALLOWANCE OF COMPEN EXPENSES INCURRED FOR THE INTERIO THROUGH AND INCLUDING	HE DEBTORS-AND-DEBTORS IN NSATION AND REIMBURSEMENT OF M PERIOD FROM MARCH 2, 2016
Name of Applicant:	Gibson, Dunn & Crutcher LLP
Authorized to Provide Professional Services to:	Debtors and Debtors-in-Possession
Date of Retention:	March 2, 2016 (order entered March 24, 2016 nunc pro tunc to March 2, 2015)
Period for which compensation and reimbursement is sought:	March 2, 2016 through and including March 31, 2016
Amount of Interim Compensation sought as actual, reasonable and necessary:	\$1,803,468.93 ²
Amount of Interim Expense Reimbursement sought as actual, reasonable and necessary:	\$24,684.55

This is an: X interim final application

The Debtors and the last four digits of their respective taxpayer identification numbers are as follows: Sports Authority Holdings, Inc. (9008); Slap Shot Holdings, Corp. (8209); The Sports Authority, Inc. (2802); TSA Stores, Inc. (1120); TSA Gift Card, Inc. (1918); TSA Ponce, Inc. (4817); and TSA Caribe, Inc. (5664). The headquarters for the above-captioned Debtors is located at 1050 West Hampden Avenue, Englewood, Colorado 80110.

The fees set forth herein reflect a voluntary reduction by Gibson Dunn in the amount of \$110,681.07.

INTERIM EXPENSE SUMMARY

Expenses Category	Total Expenses
CERTIFIED COPIES	\$ 1,853.45
DOCUMENT RETRIEVAL SERVICE	109.00
EDISCOVERY DATABASE HOSTING FEES	182.84
IN HOUSE DUPLICATION	3,016.51
MEALS	731.18
MESSENGER AND COURIER EXPENSE	80.50
ON-LINE RESEARCH (LEXIS)	7,284.00
ON-LINE RESEARCH (WESTLAW)	6,265.77
ON-LINE RESEARCH NEXIS - MAIN	1,442.00
SEARCHES-(UCC & OTHERS)	1,781.50
SPECIALIZED RESEARCH	6.72
TELEPHONE CHARGES	278.43
TRAVEL - AIR & RAIL	941.58
TRAVEL - TAXI & OTHER MODES/MILES	711.07
TOTAL	\$24,684.55

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

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III	IC.

Chapter 11

SPORTS AUTHORITY HOLDINGS, INC., et al., 1

Case No. 16-10527 (MFW)

Debtors.

(Jointly Administered)

Obj. Deadline: May 4, 2016 at 4:00 p.m. (ET)

FIRST MONTHLY APPLICATION OF GIBSON, DUNN & CRUTCHER LLP AS CO-COUNSEL TO THE DEBTORS AND DEBTORS IN POSSESSION FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES INCURRED FOR THE INTERIM PERIOD FROM MARCH 2, 2016 THROUGH AND INCLUDING MARCH 31, 2016

Pursuant to sections 330 and 331 of title 11 of the United States Code (the "Bankruptcy Code"), and Rule 2016 of the Federal Rules of Bankruptcy Procedure, and in accordance with that certain *Order Authorizing Employment and Retention of Gibson, Dunn & Crutcher LLP as General Bankruptcy and Restructuring Co-Counsel for The Debtors and Debtors in Possession* Nunc Pro Tunc to the Petition Date [Docket No. 808] (the "Retention Order") and that certain *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals* [Docket No. 806] (the "Interim Compensation Order"), the law firm of Gibson, Dunn & Crutcher LLP ("Gibson Dunn") hereby applies (the "Application") to the United States Bankruptcy Court for the District of Delaware (the "Court") for reasonable compensation for professional legal services rendered as co-counsel to Sports Authority Holdings, Inc. and its above-captioned affiliated debtors and debtors in possession (each, a "Debtor," and collectively, the "Debtors"), in the amount of \$1,803,468.93, together

80110.

The Debtors and the last four digits of their respective taxpayer identification numbers are as follows: Sports Authority Holdings, Inc. (9008); Slap Shot Holdings, Corp. (8209); The Sports Authority, Inc. (2802); TSA Stores, Inc. (1120); TSA Gift Card, Inc. (1918); TSA Ponce, Inc. (4817); and TSA Caribe, Inc. (5664). The headquarters for the above-captioned Debtors is located at 1050 West Hampden Avenue, Englewood, Colorado

5. The services rendered by Gibson Dunn during the Interim Fee Period are grouped into the categories set forth in Exhibit A. The attorneys and paralegals who rendered services relating to each category are identified, along with the number of hours for each individual and the total compensation sought for each category, in the attachments hereto.

(b) **DISBURSEMENTS**

- 6. Exhibit B attached hereto is a detailed statement of expenses paid by Gibson Dunn during the Interim Fee Period, showing the amount of \$24,684.55 for reimbursement of expenses. This out-of-pocket disbursement sum is broken down into categories of charges, including, among other things, telephone and telecopier toll and other charges, mail and express mail charges, special or hand delivery charges, document processing, photocopying charges, charges for mailing supplies (including, without limitation, envelopes and labels) provided by Gibson Dunn to outside copying services for use in mass mailings, travel expenses, expenses for "working meals," computerized research, transcription costs, as well as non-ordinary overhead expenses such as secretarial and other overtime. A complete review by category of the expenses incurred for the Interim Fee Period may be found in the attachments hereto as Exhibit B.
- 7. Costs incurred for overtime and computer assisted research are not included in Gibson Dunn's normal hourly billing rates and, therefore, are itemized and included in Gibson Dunn's disbursements. Pursuant to Rule 2016-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), Gibson Dunn represents that its rate for duplication is \$0.10 per page, its rate for outgoing telecopier transmissions is \$1.00 per page (excluding related long distance transmission